00036062

00036062

Digitized with financial assistance from

HT Parekh FOUNDATION

An Initiative by HDFC

WITH YOU, RIGHT THROUGH

on 27 November, 2018

ENGLAND AND AMERICA

1763 TO 1783

ENGLAND AND AMERICA

1763 TO 1783

THE HISTORY OF A REACTION

36062
ac

BY

MARY A. M. MARKS

AUTHOR OF "A GREAT TREASON" "MASTERS OF THE WORLD" ETC. ETC.

"The submission of a free people to the executive authority of government is no more than a compliance with laws which they themselves have enacted."—JUNIUS.

VOL. I

(1763 TO 1778)

LONDON

BROWN, LANGHAM, & CO. LTD.

78 NEW BOND STREET, W.

1907

INTRODUCTION

"We have suffered ourselves to be deceived by names and sounds, the balance of power, the liberty of Europe, a common cause, and many other such expressions, without any other meaning than to exhaust our wealth, consume the profits of our trade, and load our posterity with intolerable burdens. None but a nation that had lost all signs of virility would submit to be so treated."—*Speech of Mr. Pitt against the Treaties of Russia and Hesse Cassel*, Dec. 10, 1755.

IT is always interesting, and often instructive, to look back and see how the great events of the past appeared while they were taking place, and to compare contemporary views with the final verdict of history. One of the greatest uses of such retrospects is to promote a calmer and more tolerant judgment of the events of our own time. We learn that it is possible for majorities to be in the wrong, minorities in the right. And the character and political action of such minorities, and the manner in which the majorities treated their opposition, will be a pretty sure test of the character and moral standard of the nation as a whole at that particular time.

Nobody now looks on the quarrel with our North American Colonies as anything but a hideous blunder. Nobody now says that the Ministers who brought it about deserved well of their country. Nobody now thinks that the conscientious but narrow-minded Sovereign, whose influence destroyed the last chances of reconciliation, showed himself thereby to be an enlightened ruler. It is surely worth our while to examine how the quarrel came about, and see what our great-great-grandfathers thought and said of it. Does anything in the story seem to furnish a parallel, or a contrast, for the times in which we live? History, they say, repeats itself.

The Seven Years' War doubled our National Debt, gave us Canada and Bengal, and lost us America. The Hanoverian Settlement, by bringing Hanover into union with Great Britain, involved us in the whole scheme of European politics and European wars. During almost the whole of the eighteenth century, as the keynote

of all our domestic policy was the keeping out of the Stuarts, so the keynote of all our foreign policy was the maintenance of that safe equilibrium which was called the "balance of power." It was especially the ambition of Louis XIV which inspired Europe with dread of any one Power making itself supreme. The very independence of the other States seemed to be threatened by such a predominance; and many devastating wars were undertaken to prevent it. Marlborough's victories were victories over the attempts of Louis XIV to gain this predominance. The wars were terrible evils, but the motives were not petty. In a very true sense it really was to the interest of all that power should not be concentrated in the hands of one. Upon the whole, it could not then be said with truth that any one class was making the people fight its battles. Even dynastic disputes were closely bound up with the nation's fate —for if their native sovereign were robbed of his dominions by a foreign Power, the people would fall into the hands of foreign conquerors, and be oppressed by strangers whose interests would be opposed to their own. Thus, though the story of these interminable wars is deplorable, it is not altogether degrading—at any rate, the issues were very large, and leaders of men knew what they were fighting for, and declared it openly. They did not profess to be fighting for one thing when in reality they were fighting for another. The fighting was often a mistake, but men were not persuaded to fight for a certain thing, to find out, too late, that they had been tricked into fighting for the precise contrary.

During these years the very largeness of the issue, and its endless complications, lessen the interest of the struggle by depriving it of any fixed central figure. Then, too, the Combatants are always changing sides. The moment the Sovereign we are supporting—lest he should become too weak—seems about to become too strong, we throw him over and take up with the other side. Thus, having fought for the Empress Maria Theresa all through the War of the Austrian Succession (1740–1748), in the Seven Years' War (1756–1763) we were fighting for her enemy, the Great Frederick, because by that time we were more afraid of France than of Prussia. The war with our American Colonies was a very different affair, and much more interesting. For however desirable we may think it to maintain a sort of equality between the several Powers of a continent, the ins and outs of policy, the ups and downs of war, in such a quarrel, can never have the living, personal interest of a struggle in which the prize is not security against a distant and perhaps hypothetical danger, but actual, immediate independence and unfettered national life.

It has been computed that the Seven Years' War cost a million lives. It exhausted all the Powers concerned, but probably England got the most out of it. She certainly suffered least. For though she contributed her quota to the slain, a good many of the troops she employed were either Hanoverians or Hessians; and her soil was not invaded, her towns were not sacked, nor her villages burned. The roar of war was faintly heard across the sea, and the most disagreeable thing England had to do was to pay the bill. But she strained her resources to pay it. In 1756, at the very beginning of the war, she was so dangerously drained of troops that the King sent for 10,000 Hanoverians and 6400 Hessians, to protect this country in the absence of our army. There was a fierce debate over this bringing in of "foreign mercenaries," and Mr. Pitt swore he would resign if the House moved a Vote of Thanks to the King. But in spite of Pitt's invectives the vote was carried by 259 to 92. The Germans came, and encamped at Maidstone and Canterbury — the Hessians, being refused winter quarters by the innkeepers, were obliged to build huts, and sit round fires in the open air.

George II, stubborn, rough old fellow as he was, quailed before Pitt, and had said that while Pitt was thrust upon his Councils he did not feel himself a King. He punished him for his speeches on the war by dismissing him from the lucrative office of Paymaster of the Forces, and presently gave the post to Henry Fox, Pitt's great rival, father of the greater rival of Pitt's son.

The Seven Years' War began. By the end of 1756 the Duke of Newcastle's Government had become impossible. Newcastle, the elder brother of Henry Pelham, had succeeded him as Minister. The Pelhamites may be called the Moderate Whigs; but, as we shall see, parties were by no means clearly defined, and mostly only deserved to be called factions. The Duke of Devonshire was the figurehead of the new Cabinet, of which Pitt, Secretary of State, was the heart and soul. The war was now in full swing, and in February, 1757, the Hanoverians were re-embarked in a hurry, to go and protect Hanover. In the same month Admiral Byng was shot to "encourage the others"; but General Mordaunt did not take Rochelle any the more for that, though he had the good luck not to be shot. In April the King once more got rid of Mr. Pitt, but was obliged to take him back in June, after the country had been eleven weeks without a Government.[1]

And still the war went on. The fighting spread over both hemispheres and three continents. In Europe, Frederick the Great

[1] These eleven weeks were called "the Interministerium."

won Rosbach and Leuthen, and lost Hochkirchen. The Duke of Cumberland—"the Butcher" of Culloden, and Pitt's inveterate enemy—made the shameful Capitulation of Klosterseven. Minden was fought, and Lord George Sackville struck off the Privy Council for disobeying Prince Ferdinand's order to bring up the cavalry. In Asia, Surajah Dowla, the ally of the French, took Calcutta, and threw the English garrison into the Black Hole; and next year Colonel Clive retook the city, and by the great victory of Plassey won Bengal for the East India Company. In America, pig-headed old Braddock, marching against Fort du Quesne[1] (where Pittsburg now is), fell into an ambush of French and Indians. Five horses were killed under Braddock before he fell, mortally wounded, and the only officer who escaped unhurt was Colonel Washington, a young gentleman of Virginia, then aged only twenty-three, but already known as a good officer. He saved the remnant of poor Braddock's army, and prevented the dying General from falling into the hands of the savages. To make up for this disaster General Wolfe took Quebec, and won himself an immortal name. And on the morning of the 25th October, 1760, old George II was suddenly called away from his battles and his sieges, and his squabbles with Mr. Pitt; young George III came to the throne, and the longest reign but one in English History began.

[1] Fort du Quesne was one of a line of forts erected by the French from Canada to Florida.

PRINCIPAL EVENTS

1746, April 16. Battle of Culloden.
1754, June 14. Conference of Governor Shirley of Massachusetts with the Indians at Albany.
1755, July 9. Defeat of Braddock.
1756, May 17. The Seven Years' War begins.
1757, June 28. Pitt Secretary of State, with real power.
1757, July 3. Battle of Plassey.
1760, Oct. 25. Death of George II. Accession of George III.
1761. Agitation in America about Writs of Assistance.
1763, Feb. 10. The Seven Years' War ends by the Peace of Paris.
,, April 16. George Grenville Minister.
1764, Jan. 19. Wilkes expelled the House of Commons.
,, Feb. 14. Great Debate on General Warrants.
1765, March 6. Stamp Act passed.
,, July 12 The Marquis of Rockingham First Lord of the Treasury.
1766, Mar. 18. Repeal of the Stamp Act.
,, July 30. Fall of the Rockingham Ministry. The Patchwork Cabinet.
1767. Embarrassments of the East India Company.
,, June 15. New York Suspension Bill.
1768, March. General Election. Enormous Bribery by the East India Company.
,, Wilkes returned for Middlesex.
1769, Jan. 21. Junius writes his first Letter.
,, June. The Assembly of Massachusetts banished to Cambridge.
1770, Jan. 28. Lord North First Lord of the Treasury.
,, March 5. The Boston "Massacre."
1771. The Printers before the House of Commons.
1773, April 27. The Tea-Bill passed.
,, Dec. 16. "The Boston Tea-Party."
1774, May 10. Accession of Louis XVI.
,, June 1. The Boston Port Bill comes into force.
,, Sept. 5. The First Continental Congress meets at Philadelphia.
1775, April 19. The Battles of Lexington and Concord.
,, May 5. The Second Continental Congress meets.

1775, June 12. Washington appointed Generalissimo of the Continental Armies.
,, June 17. Battle of Bunker's Hill.
1776, July 4. Declaration of Independence.
,, Aug. 27. Battle of Long Island.
,, Dec. 26. Surprise of the Hessians at Trenton.
1777, Sept. 11. Washington defeated at the Brandywine.
,, ,, 26. Cornwallis enters Philadelphia.
,, Oct. 17. Surrender of General Burgoyne.
1778, Mar. 13. France acknowledges the United States.
,, The French Treaty. War with France. Attempts at a Coalition.
,, May 11. Death of Chatham.
,, June 18. Evacuation of Philadelphia.
,, ,, Arrival of the French Fleet.
,, Dec. Conquest of Georgia.
1779, June 17. The Spanish Rescript. War with Spain. Attempts at a Coalition.
,, ,, 21. The Siege of Gibraltar begins.
,, Aug. 14. The Combined French and Spanish Fleets off Plymouth.
,, Oct. 9. Repulse of the Assault on Savannah.
,, ,, 12. Ireland demands Free Trade with England.
1780, Feb. 8. The Associated Counties. The Yorkshire Petition. The Armed Neutrality.
,, April 6. Dunning's Resolution on the Power of the Crown.
,, May 12. Surrender of Charlestown.
,, June 2–8. The Gordon Riots. Attempts at a Coalition.
,, Aug. Battle of Camden. Reduction of the Carolinas.
,, Sept. 12. Mr. Laurens, with the draft of the Dutch Treaty, captured at sea.
,, ,, 23. Major André captured near Tarrytown. Flight of Arnold.
,, Oct. Great Hurricanes in the West Indies.
,, ,, 7. Major Ferguson defeated and slain at King's Mountain.
,, Dec. 20. War with Holland.
1781, Jan. 1. Attempt of the French on the Island of Jersey.
,, ,, 17. Tarleton defeated at the Cowpens.
,, Mar. 15. Battle of Guildford. Defeat of Greene.
,, ,, The War in the Carnatic.
,, April 19. Battle of Hobkirk's Hill. Defeat of Greene.
,, May 9. West Florida surrendered to Spain.
,, ,, 10. All South Carolina in Rebellion.
,, ,, 20. Cornwallis enters Virginia.
,, Aug. 1. Cornwallis at Yorktown.
,, ,, 20. Washington crosses the Hudson.
,, ,, 30. Admiral Parker defeats the Dutch at the Doggerbank.
,, Sept. 5. Action between Graves and de Grasse in the Chesapeak.
,, ,, 28. The French and American Armies arrive before Yorktown.

1781, Oct. 19. Capitulation of Yorktown.
,, Nov. 26. Sortie of the Garrison from Gibraltar.
1782, Feb. 11. Lord George Germaine resigns. Attempts at a Coalition.
,, ,, 22. General Conway's Motion to end the War. (Majority for Ministers, 1.)
,, ,, 27. General Conway's Motion to end Offensive War in America. (Majority against Ministers, 19.)
,, Mar. 8. Lord John Cavendish's Resolutions of Censure. (Majority for Ministers, 10.)
,, ,, 15. Sir John Rous' Motion for Withdrawing Confidence. (Majority for Ministers, 9.)
,, ,, 20. Lord North Resigns.
,, ,, 27. Lord Rockingham forms a Cabinet.
,, ,, 29. Negotiations for Peace with Holland begun by Fox.
,, April 10. Richard Oswald sent to Paris. Quarrels of Fox and Shelburne.
,, May 23. The Cabinet agrees to recognise Independence.
,, June. The Enabling Bill passes.
,, July 1. Death of Lord Rockingham. Shelburne Minister.
,, ,, 5. Fox resigns.
,, ,, 9. Negotiations for Peace resumed.
,, Sept. 8. The great Assault on Gibraltar repulsed.
,, Nov. 30. The American Preliminaries signed in Paris by the United States Commissioners.
,, Dec. 5. The King's Speech declares the United States Free and Independent.
1783, Jan. 20. Preliminaries of a General Peace signed at Paris, by Great Britain, France, Spain, Holland, and the United States.
,, Feb. 14. Fox joins North.
,, ,, 21. Lord John Cavendish moves a Censure on the Peace, carried by a majority of 19.
,, ,, 24. Lord Shelburne resigns. The Treasury offered to William Pitt.
,, Mar. 22. The Treasury offered to Pitt a second time.
,, ,, 24. In the Debate on a Motion for an Address, Fox and North formally offer to unite with Pitt, who declines.
,, April 2. The Coalition Ministry.
,, Sept. 3. The Definitive Treaty of Peace signed at Paris.

CONTENTS

VOL. I

CHAP.		PAGE
	INTRODUCTION	vii
	PRINCIPAL EVENTS	xi
	BIBLIOGRAPHY	xix
I.	STATE OF PARTIES AT THE BEGINNING OF THE REIGN OF GEORGE III.	1
II.	"GENTLE SHEPHERD, TELL ME WHERE . . ."	11
III.	AN EIGHTEENTH-CENTURY VIEW OF COLONIAL POLICY	18
IV.	THE STAMP ACT	26
V.	THE OCCURRENCES IN NORTH AMERICA	32
VI.	THE FALL OF THE GRENVILLE CABINET	42
VII.	THE GREAT DEBATE	45
VIII.	FRANKLIN	53
IX.	THE REPEAL OF THE STAMP ACT	57.
X.	THE MUTINY ACT	61
XI.	THE PATCHWORK CABINET	68
XII.	THE EAST INDIA COMPANY	79
XIII.	CHARLES TOWNSHEND	85
XIV.	THE SUSPENSION BILL	91
XV.	LORD NORTH	103
XVI.	THE LAST DAYS OF A PARLIAMENT	108
XVII.	BOSTON	114
XVIII.	"THE CIRCULATORY LETTER"	118
XIX.	THE SOLDIERS COME TO BOSTON	122
XX.	THE COMMONS CONCUR	133
XXI.	THE FARMER'S GRIEVANCES	142
XXII.	GOVERNOR BERNARD'S DEPARTURE	148
XXIII.	THE OCCURRENCES IN LONDON	159

CHAP.		PAGE
XXIV.	THE HORNED CATTLE SESSION	170
XXV.	THE REPEAL OF THE REVENUE ACT	186
XXVI.	THOMAS HUTCHINSON	200
XXVII.	THE 5TH OF MARCH, 1770	206
XXVIII.	THE PUBLICITY OF DEBATE	219
XXIX.	STEPS TOWARDS RELIGIOUS LIBERTY	231
XXX.	THE COMPANY AGAIN	243
XXXI.	CLIVE'S DEFENCE	250
XXXII.	THE SELECT COMMITTEE	262
XXXIII.	THE DOUBLE VERDICT	271
XXXIV.	A LULL IN THE STORM	278
XXXV.	THE LETTERS	286
XXXVI.	"THE BOSTON TEA-PARTY"	294
XXXVII.	THE DISMISSAL OF FOX	299
XXXVIII.	THE PUNITIVE BILLS	305
XXXIX.	THE BOSTON PORT BILL	319
XL.	THE FIRST CONTINENTAL CONGRESS	329
XLI.	THE BILL OF FAMINE AND WAR	333
XLII.	LEXINGTON AND CONCORD	352
XLIII.	AFTER LEXINGTON	362
XLIV.	BUNKER'S HILL	372
XLV.	THE BLOCKADE OF BOSTON	378
XLVI.	CANADA	387
XLVII.	IN ENGLAND	396
XLVIII.	INDEPENDENCE	412
XLIX.	THE BATTLE OF LONG ISLAND	417
L.	THE FALL OF FORT WASHINGTON AND THE RETREAT THROUGH THE JERSEYS	429
LI.	THE HOUSE OF RODRIQUE HORTALEZ	436
LII.	GENERAL LEE	442
LIII.	TRENTON	445
LIV.	THE KING'S DEBTS: THE EXPENSES OF THE WAR	453
LV.	JOHN THE PAINTER: OUR CRIMINAL CODE IN THE EIGHTEENTH CENTURY	466
LVI.	IN NEW YORK	472
LVII.	"MR. LEE'S PLAN"	485
LVIII.	GENERAL BURGOYNE	489
LIX.	THE EVACUATION OF THE JERSEYS	494

CHAP.		PAGE
LX.	The Battle of the Brandywine.	504
LXI.	Germantown.	512
LXII.	The Retaking of Ticonderoga	518
LXIII.	The Indians	527
LXIV.	The Turn of the Tide	534
LXV.	Freeman's Farm	543
LXVI.	The Night after a Defeat	553
LXVII.	Sir Henry Clinton's Diversion	564
LXVIII.	How the News came to London and Paris	570
LXIX.	The French Treaty	579
LXX.	Chatham's Last Speech	598
LXXI.	The Army of the Convention	617
LXXII.	The Conway Cabal.	623
LXXIII.	The Evacuation of Philadelphia	632
LXXIV.	The Commissioners: the French Fleet	647

BIBLIOGRAPHY

OF THE MORE IMPORTANT WORKS CONSULTED

ADAMS, JOHN, President of the United States. Works and Life, with notes by C. F. Adams. 1850–6.

Familiar Letters of Adams and his Wife during the Revolution. Ed. C. F. Adams. 1876.

ALBEMARLE, GEORGE THOMAS KEPPEL, 6th Earl. Memoirs of the 2nd Marquis of Rockingham and his Contemporaries, with Original Letters and Documents. 1852.

ALMON, JOHN. Collection of interesting and authentic papers relating to the dispute between Great Britain and America, 1764–75. 1777.

The Remembrancer, or Impartial repository, etc. 1775–84.

Anecdotes of the life of Chatham, with his Speeches, etc. 1797.

History of the Late Minority, 1762–5. 1766.

American Loyalists. Case and Claim of the A. L. stated. 1783.

The Claim of the American Loyalists reviewed and maintained upon principles of law and justice. 1788.

American War. Conduct of Sir William Howe. No. 58 of Almon's "Collection." 1779.

Detail of, under Gage. *Ib.*, No. 61. 1780.

ANBUREY, Lieutenant T. Travels through the Interior of America. 1791. (The "Travels" are letters written by Anburey during the American War.)

Annual Register, The.

ARNOLD, L. N. Life of Benedict Arnold. 1880.

BANCROFT, GEORGE. History of the United States. 1885–6.

Joseph Reed. A Historical Essay. 1867.

Boston, Massachusetts. Memorial History. Ed. J. Winsor. 1880–6.

BUCKINGHAM AND CHANDOS, Richard Plantagenet Temple-Nugent Brydges Chandos Grenville, 2nd Duke. Courts and Cabinets of George III. 1853–5.

BURKE, EDMUND. Works. 1894.

History of a Short Administration. 1766.

Answer to the Electors of Bristol. 1777.

CAMPBELL, WILLIAM W. Annals of Tryon County. 1849.

CARACCIOLI, CHARLES. Life of Lord Clive. Also, the last Transactions in India. 1775–7.

CARTWRIGHT, Major J. American Independence the Interest and Glory of Great Britain. 1776.

CHATHAM, WILLIAM PITT, 1st Earl. Correspondence. Ed. W. S. Taylor and J. H. Pringle. 1838–40.

History of, containing his Speeches in Parliament. By Francis Thackeray. 1827.

Enquiry into the Conduct of a late Right Hon. Commoner. (Perhaps by H. Cotes.) 1766.

CLINTON-CORNWALLIS Correspondence. (The Campaign in Virginia. Reprints of six rare pamphlets, etc., with unpublished notes and omitted portions.) Ed. Benjamin Franklin Stevens. 1888.

CODMAN, JOHN. Arnold's Expedition to Quebec. 1901.

CONWAY, MONCURE DANIEL. Life of Thomas Paine. 1892.

Omitted Chapters of History, disclosed in the Life and Papers of Edmund Randolph, Governor of Virginia. 1888.

CORNWALLIS, CHARLES, 2nd Earl and 1st Marquis. Correspondence. Ed. C. Ross. 1859.

COXE, Archdeacon. Memoirs of the Spanish House of Bourbon, 1700–1788. 1815.

DODINGTON, BUBB, Baron Melcombe. Autobiography. (Vol. xxii. of "A Collection of the most instructive and amusing lives." 1826–1833.)

DRINKWATER, Col. JOHN. History of the Siege of Gibraltar. 1840.

East India Company—

Letter of Lord Clive to the Proprietors of East India Stocks. 1764. (No. 221 of Almon's Collection.)

Address to the Public concerning the business between the Government and the East India Company. 1767. 8vo.

An Attempt to pay off the National Debt by abolishing the East India Company and Other Monopolies. 1767. 8vo.

Letter to the Proprietors of India Stock. 1767. 8vo.

Letter to a Minister on the Subject of the East India Dividend. 1767. fol.

Letter to the Proprietors upon the Question to be balloted for on 23rd March, for granting Lord Clive £30,000. 1767. 8vo.

Letter to the Proprietors of India Stock relative to the Critical Situation of their affairs. ("By Earl Poulett" is written on the title-page of a copy in the London Library.) 1767. 8vo.

State of the East India Company's Affairs, etc., Dec. 1768. 8vo.

Letter to a late popular Director, relative to India affairs. 1769. 8vo.

Letter from a Proprietor of India Stock in Town to a Proprietor in the Country. 1769. 8vo.

Letter to the Proprietors of India Stock. ("Gvnr Jhnstn" is written on the title-page of a copy in the London Library.) 1769. 8vo.

Letter of an Old Proprietor. 1769. 8vo.

Letter to the Proprietors containing a reply to An Old Proprietor's Letter. By a Steady Proprietor. 1769. 8vo.

Observations on the Present State of the East India Company. 1777. 8vo. etc., etc., etc.

FITZGERALD, PERCY. Charles Townshend, Wit and Statesman. 1866.

Life and Times of John Wilkes. 1888.

FITZMAURICE, Lord EDMUND G. PETTY, Baron Fitzmaurice. Life of William Petty, 2nd Earl of Shelburne and 1st Marquis of Lansdowne. 1875-6.

FONBLANQUE, E. B. DE. Political and Military Episodes from the Life and Correspondence of the Rt. Hon. John Burgoyne. 1876.

FORCE, PETER. Tracts and other papers, relating . . . to the Colonies in North America from the discovery of the Country to the year 1776. Vols. i.–iv. Washington, 1836–46.

American Archives :—

Consisting of a collection of authentic records etc. Fourth Series . . . From the King's Message to Parliament of March 7, 1774, to the Declaration of Independence by the United States. Published by M. H. C. Clarke and P. Force under authority from Act of Congress. 6 vols. Washington, 1837–46. Folio.

Fifth Series . . . from the Declaration of Independence, July 4, 1776, to the definitive Treaty of Peace with Great Britain, Sept. 3, 1783. By Peter Force, vols. i.–iii. Washington, 1848–53. Folio.

FOX, CHARLES JAMES. Memoir of his Life, etc. With his character by R. B. Sheridan. 1806. 8vo.

FRANKLIN, Dr. BENJAMIN. Complete Works, including Correspondence and Autobiography. Ed. J. B. Bigelow. 1887–8.

FRANKLIN in France. E. E. Hale and E. E. Hale, Junior. 1887.

Gentleman's Magazine, The.

GLEIG, G. R. Life of Clive. 1848.

GRAFTON, AUGUSTUS HENRY FITZROY, 3rd Duke. Autobiography and Political Correspondence. Ed. Sir W. R. Anson. 1898.

HADDEN, Lieut. JAMES, Roy. Art., Journal and Order Books of Burgoyne's Campaign.

HANGER, G., Baron Coleraine. An Address to the Army in reply to Strictures by R. MacKenzie, etc. 1789. 8vo.

Historical Manuscripts Commission :—

Abergavenny Papers.

Carlisle Papers.

Dartmouth Papers.

Royal Institution Papers (known as Carleton Papers).

Rutland Papers.

Stopford-Sackville Papers, etc., etc.

HOLLAND, H. R. VASSAL-FOX, 3rd Baron. Memoirs of the Whig Party during my time. Ed. by his Son. 1854.

HUTCHINSON, THOMAS, Governor of Massachusetts. History of the Province of Massachusetts Bay, 1691–1774. Ed. J. Hutchinson. 1828.

Copy of Letters sent to Great Britain. 1773.

Diary and Letters, from the original documents. Ed. by Peter Orlando Hutchinson, 1883–6.

INGERSOLL, CHARLES J. Historical Sketch of the Second War between Great Britain and the United States, 1812–15. 1845. (Contains many particulars about the employment of Indians in the Revolutionary War, and a List of the Indians so employed. See also a paper read by Mr. Campbell before the Historical Society of New York, Oct. 7, 1845.)

IRVING, WASHINGTON. Life of George Washington, 1855–7. 8vo. (A large octavo edition has Portraits.)

JAY, JOHN, Governor of the State of New York. Correspondence and Public Papers, 1763–1826. Ed. H. P. Johnston. 1890–3.

JOHNSON, Dr. SAMUEL. Taxation no Tyranny. 1775.

JONES, THOMAS, Justice of the Supreme Court of New York. History of New York during the Revolutionary War, etc. Ed. E. F. De Lancey, 1879. (A Publication of the New York Historical Society.)

Journals of the House of Commons.
Journals of the House of Lords.
JUNIUS. Letters.
Genuine Letters and anecdotes. (Almon.) 1771. 1806.
With his correspondence with Wilkes, and private letters to H. S. Woodfall. Ed. J. M. Good. 1814.
Later Edition. Routledge, 1875.
KEPPEL, Hon. THOMAS. Life of Admiral Viscount Keppel. 1842.
LAFAYETTE, Marquis de. Mémoires, etc. 1837–8.
LAMB, R., Sergeant. An original and authentic journal of occurrences during late American War from its commencement to the year 1783. Dublin. 1809.
London Magazine. 1738–71.
MACKENZIE, RODERICK, Major. Strictures on Lieutenant-Colonel Tarleton's History of the Campaigns, etc. 1787.
MACKNIGHT, T. Life of Edmund Burke. 1858–60.
MALCOLM, Sir JOHN. Life of Clive. 1836.
Massachusetts Historical Society's Collections.
Records of the Governors and Company of Massachusetts Bay. Ed. N. B. Shurtleff. 1853–4.
MILL, JAMES. History of British India. With notes and continuation by H. H. Wilson. 1840–8.
MOORE, GEO. HENRY. Librarian to the Historical Society of New York. "Mr. Lee's Plan. March 29, 1777." The Treason of Charles Lee, Major-General, etc. 1860. New York. (Scribner.)
MORRIS, Gouverneur. Diary and Letters. Ed. A. C. Morris. 1889.
MUNDY, G. B. Life and Correspondence of Admiral Rodney. 1848.
Newspapers, Magazines, etc., of the Period.
New York Historical Society's Collections.
NICHOLLS, JOHN, M.P. Recollections and Reflections, personal, political, etc. 1820–2.
PAINE, THOMAS. Works. 1792.
Common Sense. 1776.
The American Crisis. 1777.
Parliamentary History. (Cobbett, afterwards Hansard.)
Political Register. 1767–9.
RIEDESEL. Briefe und Berichte des Generals und der Generalin von Riedesel, während des nordamerikanischen Kriegs. 1776–83. Freiburg i. B. 1881.
Rockingham Party. A Defence of the Rockingham Party in their late Coalition with Lord North. 1783.
RUSSELL, Lord JOHN, 1st Earl Russell. Life and Times of Charles James Fox. 1859–66.
SABINE, LORENZO. The American Loyalists. 1847.
SELWYN, GEORGE. His Letters and his Life. 1899.
Sessions Papers. Trials of the Gordon Rioters. 1780.
SHEBBEARE, Dr. JOHN. Answer to Queries . . . in a Letter to Dr. Shebbeare printed in the Public Ledger, Aug. 10, 1775. 1775.
SPARKS, JARED. Diplomatic Correspondence of the American Revolution, with letters of Benjamin Franklin, Silas Deane, John Adams, and Others. 1829–30.
Life of Gouverneur Morris, with Selections from his Correspondence, and miscellaneous papers. 1832.
Life of Washington. 1839.

STANHOPE, PHILIP HENRY, 5th Earl (Lord Mahon). History of England from the Peace of Utrecht. Ed. of 1858.

STEDMAN, C. History of the American War. 1794.

TARLETON, BANASTRE, Lieut-Col. A History of the Campaigns of 1780 and 1781, in the Southern Provinces of North America. 1787. 4to.

TOWNSHEND, Rt. Hon. CHARLES. National Thoughts, etc., by a Landowner. 1767.

WALPOLE, HORACE, 4th Earl of Orford. Memoirs of the Reign of George II. Notes by Lord Holland. 1846.

Journals of the Last Ten Years of the Reign of George II. 1822.

Journals of the Reign of George III, 1771–84. (Referred to as "Last Journals.") 1859.

Reminiscences, written in 1788. 1818.

Letters to the Countess of Ossory, 1769–97. Notes by the Rt. Hon. R. V. Smith. 1848.

Letters to Sir Horace Mann, Envoy at the Court of Tuscany. Ed. Lord Dover. 1834–44.

WILKES, JOHN. Correspondence with his friends, and memorials of his Life. By J. Almon. 1805.

The North Briton, with notes. 1763. Later Ed., 1772.

WILKINSON, JAMES. General in the United States Army. Memoirs of my own time. 1816.

WRAXALL, Sir NATHANIEL W. Historical Memoirs of his own Time. 1836.

Posthumous Memoirs of his own Time. 1836.

An answer to the calumnious misrepresentations of the Quarterly, British Critic, and Edinburgh Reviews. 1815.

ENGLAND AND AMERICA

CHAPTER I

STATE OF PARTIES AT THE BEGINNING OF THE REIGN OF GEORGE III

"Born and educated in this country, I glory in the name of Briton."—*His Majesty's Most Gracious Speech to both Houses of Parliament*, Nov. 18, 1760.

"We are penetrated with the condescending and endearing manner in which your Majesty has expressed your satisfaction at having received your birth and education among us. What a lustre does it cast on the name of Briton, that you, Sire, are pleased to esteem it among your glories!"—*Address of the Lords on the Accession of George III.*

"Remember, my noble and generous friend, that to recover monarchy from the inveterate usurpation of oligarchy is a point too arduous and important to be achieved without much difficulty, and some degree of danger."—*Bubb Dodington to Lord Bute*, Dec. 22, 1760.

THE history of the loss of America is the history of a Tory reaction.

For forty-five years the Whigs had had it all their own way. From the moment that the Elector of Hanover became King of England, the Tories were shut out from politics. Whatever factions might divide the Whigs (and there were almost as many factions as great Whig families), they always united to keep out the Tories—and the Pretender. The Stuarts had shown themselves incapable of becoming constitutional sovereigns, but the country had to pay very dear for keeping them out. For forty-five years progress ceased in England, because the party which naturally stood for progress was solely occupied in maintaining the House of Brunswick on the throne. To do this was the inspiring motive of Sir Robert Walpole's long rule. It was in doing this that he discovered how many men had their price. He had been obliged to buy them,

lest they should bring back the Stuarts. In those days, to be a Tory meant, if not to be actually fetching and carrying for the Pretender, to be in the confidence of those who were. The enormous development of smuggling, after the Treaty of Utrecht, made this fetching and carrying considerably easier and safer than it would otherwise have been. Half the nation—and that not the least high-minded and pious half—had profound scruples as to the right of the Elector of Hanover to the throne. One evening, at family prayers, the Reverend Samuel Wesley, Rector of Epworth, discovered, to his dismay, that his wife refrained from praying for King George![1] This is but one instance of the profound cleavage which divided English society on the greatest political question of the time. The effect on politics was strange, and, at first sight, perplexing. But the explanation was simple. The Tories of those days were against strengthening the prerogative—of the wrong king. The Whigs were willing to give the Crown some real power—to defend itself against the machinations of the Pretender. Chatham was the first great Minister who was not handicapped by the necessity of keeping out the Stuarts. But after Culloden all was changed. For the first time the House of Brunswick felt itself firm in the saddle; and the Tories began to think that, since the cause of the right King—the King *de jure*—was irretrievable, they had better make the best they could of the King *de facto*—admit that by this time he was a quasi-lawful sovereign, and revive and transfer to him those royal prerogatives which it was now hopeless to think of restoring to the Stuarts. It was this feeling which prompted the famous expression in George III's first Speech from the Throne—"I glory in the name of Briton." The word was "Englishman" at first, but Bute altered it to "Briton"—as was said, that it might include John Stuart—and from this time forward Bute's friends (who were "the King's friends") all became Britons.[2]

Bute had none of the qualities of a leader, and if he had not happened to take the fancy of a very proud and ambitious princess, of a more courageous temperament than his own, he would never have been heard of out of Scotland, and very little in

[1] Even the curious and never-explained persecution of Mr. Wesley's family by "Old Jeffrey" is ascribed by one biographer to "a Jacobite goblin," as the disturbances frequently occurred when Mr. Wesley was praying for the King or the Prince of Wales.

[2] "When you affectedly renounced the name of Englishman, believe me, Sir, you were persuaded to pay a very ill-judged compliment to one part of your subjects, at the expense of another."—Junius, *Letter to the* KING, Dec. 19, 1769.

it. As it was, he became a rallying-point for the Tory view of sovereignty during the first ten or twelve years of George III. Those years were crowded with important events, which Tory policy turned into great calamities. The very least reproach which can be made to Bute is, that he took the first step backwards towards absolutism, and that he, with the Princess Dowager, formed the political opinions of George III—grafting the fine antique Stuart notions of kingcraft on the homely stock of Farmer George. The result was a curious anomaly—a painstaking, plodding man of business imbued with the ideas of an autocrat. "He toiled like a warehouse-clerk"[1] to restore the royal authority to the place ordained for it by God. He was solemnly and conscientiously convinced that it was so ordained, and that the welfare and safety of his people depended on his restoring it. We mistake when we think of George III as an idiot with flashes of madness. The groundwork of his character was indeed extreme, almost childish simplicity, but — despite the story of the apple-dumpling — it was a very shrewd simplicity. His correspondence with Lord North shows that he had a clear vision of every situation,—nor did he ever shrink from calling that situation by its true name,—as when he complains that the recruiting in Waldeck is making him "a kidnapper." He had great common-sense. His mind was sane, prosaic, and literal, until his authority was called in question. Then his anger was so intense that the effort to control it made him ill physically and mentally. He describes himself as "trembling" with suppressed wrath. It is pretty certain that his first attacks of mental disturbance were caused by Grenville's opposition, and Wilkes' defiance. The little we know about the later and far more serious attacks shows that his delusions were royal—he never forgot that he was a king, and he neither forgot nor forgave those who in the course of their medical attendance had presumed to use force to restrain him. In his sanity, he is plain, clumsy Farmer George, with little that is kingly about him—hurried and flurried in speech and manner, undignified in appearance, his notions of prerogative resembling rather the irritable, pig-headed obstinacy of the senior partner in a mercantile firm than the imperiousness of a monarch. In his madness he becomes a strangely tragic figure, as we obtain glimpses of him—now tortured by the consciousness of his own condition, now talking of high affairs of State with Ministers long dead and gone.

The Revolution of 1688 was not the unmixed good it has been represented to be by those whose privileges it assured. Even its

[1] Donne, *Correspondence of George III with Lord North.*

boasted "establishment of religious liberty" was little more than a turning of the tables. Not only a free-lance like William Cobbett, but a pre-eminently sober historian like Mr. Lecky, has expressed the deliberate opinion that in the long-run it might have been better for liberty to have kept the Stuarts and made the best of them. It is a startling proposition to those who hear it for the first time; but a close study of English legislation during the eighteenth century woefully disenchants us with the "Glorious Revolution" of 1688, and still more with the Hanoverian Succession. The Stuarts are the most interesting of Royal Houses—the House of Brunswick is perhaps the least so. The virtues and vices of the Stuarts were kingly—those of the Hanoverians were essentially *bourgeois*. The Stuarts' idea of government was the King and his echo, the Council of State, and his more distant echo, a Parliament filled with royal nominees. Yet the very delight of one half the English people at being rid of the Kings by Right Divine, became a danger. It produced the singular paradox of a turbulent people submitting quietly, sometimes eagerly, to measures passed by the new *régime*, against which it would have risen in rebellion under the old. The Riot Act is an instance. By that Act—almost the first of George I—any twelve persons assembling together in public, and for the space of one hour refusing to disperse, could be fired on. It may almost be said that we resigned our liberties in our eagerness to preserve them—as the crew of a storm-tossed vessel fling overboard the cargo which was the object of their voyage. Riot Acts, Test Acts, Penal Laws, and a Criminal Code of ever-increasing severity disgraced the final establishment of "constitutional" government, until the student of history asks in despair whether human progress is anything but movement in a circle.

The English people have done and suffered much to be free, but they have not even yet built upon the only sure foundation—the Rights of Man. They love little issues, and shrink from general principles. They have been content to claim the rights of Englishmen, and this is perhaps one reason why they have not felt their consciences prick them for denying the rights of Irishmen. This claim of the Englishman has allowed us throughout our history to serve two masters—Liberty and Oppression—at the same time. The open sore of Ireland was so far from being healed by the success of our own struggles for freedom, that the triumph of the rebellious Englishmen here was always the still more utter ruin of rebellious Irishmen there. The wrongs of the English in 1641 were to the wrongs of the Irish at the same moment as whips to scorpions. But the Englishmen who were most forward to adven-

ture life and fortune for their own political and religious rights were the very men who could not be brought to admit that an Irishman had any rights at all—scarcely even the right to exist, certainly not the right to complain of being killed. It was a glaring inconsistency, and it has brought its own Nemesis—a Nemesis not even yet fully recognised by us as the inevitable consequence when a free people plays the oppressor. In the very nature of things, such a people slowly but surely undermines its own most cherished principles, slowly but surely coarsens its conscience and confuses its judgment. And this enfeebling of principle and confusion of judgment act as a drag on progress, which becomes unaccountably slow, until nations which started later on the road to political enfranchisement pass us in the race.

In the first half of the eighteenth century the situation was acute. The two parties stood each for a dynasty,—the most immediate and appealing issue which can divide a State, because all men can see it, and believe that they understand it, and because the rewards or punishments of successful or unsuccessful action in the matter are so swift and tangible. And these parties were so evenly divided,—or appeared so,—and there was so much uncertainty as to any man's real convictions, that every man distrusted his neighbour; and leading politicians who in their hearts preferred the House of Brunswick yet thought it prudent to provide for the other event by keeping up a correspondence with the King over-the-water.[1] Such a correspondence could, if detected, be represented as a mere *ruse de guerre*, and no one could be quite certain which was really the betrayed party—the King or the Pretender. We have Septennial Parliaments, because the risk of more frequent General Elections was too great. Nor could Septennial Parliaments be trusted to stand firm without bribes to stiffen their loyalty. Bribery, which till then had been an occasional incident, became an organised system, the regular payment of a salary. "Satis bibisti *ac bribisti*," said someone as he looked on a portrait of the great Sir Robert. But it was not only Walpole,—poor old Newcastle, himself the most disinterested of men, who was more than forty years in office, and left it poorer than he went in, superintended one of the vastest systems of bribery which ever turned representative government into a farce. Above

[1] When the King's health was drunk, it was not always certain which King's it was—

> "Long live the King, and down with the Pretender!
> God save the King, and bless the Faith's Defender!
> But who Pretender is, and who the King,
> God bless us all! is quite another thing!"

the monument of Abraham Cowley, in Poets' Corner, there is a tablet to the memory of "John Roberts, Esq., the very faithful Secretary of the Right Honourable Henry Pelham, Minister of State to George II." When Pelham was First Lord of the Treasury, and his brother the Duke of Newcastle was Secretary of State, John Roberts used to stand in the Court of Requests, on the day of prorogation, with the "Minister's pocket-book" in his pocket, and as the members whose names were written there passed through, Roberts took each kindly by the hand, wished him good-bye, and left him with a final squeeze which closed his not reluctant fingers over bills representing a substantial income.[1]

Nor did the falsity of the situation end with bribes. Many an honest man, who would have scorned a bribe, desisted from opposition, fearing to further the cause of the King at St. Germain; while the dishonest opposed just enough to make themselves worth inscribing in the pocket-book.

Then came the Forty-Five. It very nearly succeeded. In all probability, if the Duke of Cumberland had been as incompetent as General Wade, and if Charles Edward had not turned back at Manchester, James III would have been crowned in Westminster Abbey.

The Stuart star set for ever at Culloden; but this, instead of placing civil liberty on a firmer footing, only gave her enemies a vantage-ground from which to attack her with more effect. The great Tory families, out of office since the death of Queen Anne, now returned to the arena, and in transferring their allegiance to the House of Hanover set themselves to make that House as absolute as they formerly hoped to make the Stuarts. Their principles were unchanged—the Fortune of War, the malice of Fate, had compelled them to accept the King *de facto*; they appeased their consciences by demanding for him the prerogatives of the Kings *de jure*. Nothing could be hoped from the old King, but there was a young Prince, his grandson, with a mind like wax to receive an impression, and marble to retain it. The accident of a wet day at Egham Races introduced into the circle of Frederick, Prince of Wales, a young, poor, and obscure Scottish nobleman, a scion of the old Royal House.[2] Never did the jade Fortune play a more

[1] It was often from five to eight hundred pounds. When Pelham died George II sent for Roberts and his book, and burned the book then and there to prevent accidents.

[2] Bute formed the idea of the Double Cabinet about 1753. He got it from Baty, who told him official men ought never to be trusted with information of any measure until it was given them to execute.—ALMON.

malicious trick than in that introduction. Never did a lost cause so subtilely avenge itself. The principles which Bolingbroke had tried in vain to plant in English politics, never struck root till Charles Edward, demoralised by Culloden, and abandoned by Louis XV, was drinking himself out of the semblance of a gentleman, frequenting a common ale-house, beating his unfortunate mistress after the manner of a costermonger, and when she fled from him to a convent, asking Louis (who had ignominiously expelled him from his dominions) to kidnap and send her back. The fatality which ever attended the House of Stuart was manifested, even in this short-lived post-mortem triumph of its principles, with the disastrous catastrophe which followed.

The situation was further complicated by personal enmities and personal friendships,—by the warm attachment between Pitt and the Grenvilles, and by the hatred of Temple for the Bedfords. But the Pelhamites and the Pittites, furiously as they opposed each other, differed but little in principle. Pitt was once of Pelham's party. George Grenville was Treasurer of the Navy in Newcastle's Administration. So acute a politician as Edmund Burke, while telling us that observers perceived that two of the three factions would certainly be compelled to unite to overturn the third, says that no one could foresee which two would coalesce, or which way the balance of power would finally incline.

Pitt, recalled to office at the darkest moment of the Seven Years' War, had retrieved the glory of England and turned defeat into victory. Never had Minister been so popular, and his popularity was heightened into adoration by his refusal of a title. The name once given to William Pulteney was fondly revived for William Pitt, and the people delighted to call him "the Great Commoner." Amidst every temptation and every discouragement, he held fast by the principles of representative government; and when the leaders of the State were beginning to swerve from these principles, even where Englishmen were concerned, Pitt dared to maintain that we must extend them to Americans.

Edmund Burke has left us an account of English parties at the beginning of the Seven Years' War. "The gross of the people," he says, "seemed to have no further views than a redress of their grievances, by whatever means that could be brought about." The "ruling men of the nation" were divided into three factions. The first comprised the men of the old Ministry—Pelham's and Newcastle's Administrations. It had the greatest "Parliamentary interest." (This means that it could spend most largely on elections, and control the greatest number of seats.) It had also the

moneyed interest. But it was unpopular, and its abilities were thought of but poorly.

The second, the party of Lord Bute, was still more unpopular, and made no effort to become less so. It had much less Parliamentary interest, but the Court influence of "a powerful connection" enabled it to hold its own with the Pelham faction; and its abilities were not considered insufficient. The "generality" suspected it of dangerous designs, but no one would say plainly what the designs were. The youthful Heir to the Crown was completely under the tutelage of this party, and was especially influenced by the chief object of abhorrence, John Stuart, Earl of Bute.

The third party—that of Pitt—had little Parliamentary and less Court influence, but it had a great leader and "a prodigious popularity." The nation believed implicitly in that leader's integrity —which was confessed even by his enemies—and he and his followers laid themselves out to influence public opinion.

The first two factions, while differing greatly as to what should be the balance of power within the Constitution, differed very little as to foreign policy. Both considered France as our most dangerous enemy, and the efforts of both were directed towards maintaining the balance of power in Europe, that the preponderance of France might be restrained within due bounds. The policy of Louis XIV and Louis XV had given much justification for such fears. These factions were both for "seeking our particular safety and liberty in the general safety and liberty of Europe." They were, therefore, in favour of a "close connection" with the Continental Powers, to be kept up by "continual negotiations and large subsidies, and even by aiding them with our own troops if the occasion should require such assistance." They agreed that our navy ought not to be neglected, but were more disposed to rely on an army, ready to be used in any European complication. Both parties were "far from being friends to arbitrary power, or in any sort averse to Parliaments." "They loved the Constitution," but were for "preserving the authority of Government in its utmost lawful force." To make government easy, both were for ruling men "by their interests, if they could not by their virtues"; and both always sought to obtain a majority in Parliament by a judicious distribution of places and employments.

The third party took a very different view. They also feared the boundless ambition of France, but were for trusting rather to our navy than our army. They said that our insular position pointed out our true policy as one differing greatly from that of

other nations. "Our natural strength," said Pitt, "is a maritime strength, as trade is our natural employment: these must always go hand in hand, and they mutually support one another. By entering that inextricable labyrinth of Continental politics, making ourselves parties in every dispute, exhausting our wealth in buying the useless and precarious friendship of every petty prince, we shall be so far from reducing France, that we shall be attacking her on her strong side, and shall be destroying ourselves by our ill-judged efforts to destroy her. While we preserve our superiority at sea, we need not fear what France can do. The fear of invasion from a Power weak in its marine, is the idlest of all fears." A well-trained militia, "*supplying by their zeal the defects of their discipline*," will be a sufficient protection; a standing army, "in whatever shape, is dangerous to freedom." Nor need a good Government bribe its people. "A Government pleasing to the people, as every good Government must be, can never be generally opposed."

The first ten years of George III were one long struggle between a king with high, narrow notions of prerogative, inherited from a petty German Court, and one Minister after another with a more or less clear notion of constitutional government. And the King won. He won, not because he was the King, but because his purpose was more single, his will more inflexible, and his courage more steadfast than those of any Englishman of his time, except Chatham. Within his narrow limits, George III possessed strong sense. Unfortunately, he started from the false premises of Divine Right and non-resistance—but from these premises he drew perfectly logical conclusions. And he never wavered. Once or twice the irresistible force of circumstances broke him; but he never bent. He never concealed his abhorrence of the concessions he was compelled to make, and he never forgave those who compelled him to make them. He never changed his mind, even after the event. He might intrigue against his Ministers, but that was only because the Constitution left him no other means of circumventing them. When it came to a duel of wills *à outrance*, Chatham himself could not shake him; and Chatham himself was out-manœuvered by him.[1] Few men in

[1] "George III was not a weak man. His objects were little, and injudiciously chosen; but no Monarch ever displayed more dexterity in his choice of the means to obtain those objects."—Nicholls, *Recollections and Reflections during the Reign of George III*, i. 382. Nicholls observes that it was by no means a reign of favouritism, as had been expected. He does not think the King was attached to any of his Ministers, except as they furthered his wishes. When he found that Bute "wanted the courage necessary for his purpose, he seems to have withdrawn all his favour from him, and nevermore to have wished to replace him in office."

a position of authority have had so many virtues and so few faults; and yet few men have been more mischievous in their day and generation. The second ten years of his reign are the years of his triumph, when he had a Minister after his own heart. They are the most disastrous years of our history. But for him, Chatham would have composed the difference with America. But for him, the Younger Pitt would have begun to heal the old sore of Ireland, which festers to this day.

Ever since 1688 England had taken what we must call the Liberal side in political issues—the side opposed to arbitrary power, the side which rests the authority of Governments on the consent of the governed, rather than on the divine right of kings. With the accession of George III the opposite set of principles began to prevail, and the first serious consequence was the loss of America.[1]

[1] "At your accession to the throne, the whole system of government was altered, not from wisdom or deliberation, but because it had been adopted by your predecessor."—Junius, *Letter to the KING*, Dec. 19, 1769.

CHAPTER II

"GENTLE SHEPHERD, TELL ME WHERE . . ."

"Why are these things to be palliated and plaistered and whitewashed? For God's sake let us speak of things as they are. A debt is a debt, and if the Minister would but look it in the face like a man, it would be the way to make the lightest of the evil that can be. You cannot lessen, but may increase the evil by delay . . . but all the procrastination in the world won't make a debt anything but a debt. . . . See what miserable shifts people are driven to when they try to make less of a thing than it really is."—"The State of the Nation," *Gentleman's Magazine*, March, 1765.

THE British people liked the Seven Years' War well enough, till they had to pay for it. It is unfair to lay wars to the exclusive account of Kings and Governments—if a war were really unpopular, the most despotic King, the strongest Government, could not carry it on for long. Most wars quicken certain trades for the time; and as the trades which profit by war are usually tolerably rich to begin with, there is always a somewhat influential commercial opinion ready to support any war which seems to have a prospect of success. It is only later that the wasteful and wasting nature of war-expenditure comes home to the bulk of the people, and by that time there is generally no turning back.

With the accession of George III the Earl of Bute stepped into power.[1] He was perhaps the most unpopular Minister who ever held seals of office in England. He was not a man of either great parts or resolute will. Like all weak men, he was afraid of seeming to be influenced; it was said of him that he would spoil what good there was in a measure, by way of making it his own. He had some literary taste, which was no doubt one of the qualities which recommended him to the Princess of Wales. His fine person and his political views did the rest. His aim was to make the King independent of Parliament, to be at peace with France, and to stand aloof from Germany; and on all these points Pitt furiously opposed

[1] "The first wish of George III was to break the party of Pelham, and restore peace—a good wish, but injudicious instruments chosen. Bute not qualified to be a Minister. After his removal came the Double Cabinet."—NICHOLLS.

him. How much of the people's hatred was for the Scotsman, how much for the lover of the King's mother, how much for the author of the Peace, is difficult to decide. As for the Peace, it was enough that Bute made it, and Mr. Pitt was against it. Pitt thought we were getting too little for our money and our blood. There was a loud outcry that we had not our fair share of the spoils, that we were not exhausted, and could go on for two years more. Bute said afterwards that he knew peace was necessary to the country, and came in determined to make it. Make it he did, in spite of Pitt's opposition, and denunciations of the bribery and intimidation, and dishonourable desertion of Frederick, by which it was obtained. Ministers were accused of having given France a hint to lie low, and they would raise a clamour for peace. Especially did the restitution of the French West India Islands, and the concessions in the Newfoundland fisheries, incense the party who were for going on.

Peace was signed in Paris on the 10th of February, 1763, between England, France, Spain and Portugal. Frederick was left to settle matters for himself with Maria Theresa. The death of his enemy, Elizabeth of Russia, saved him; his ally left him in the lurch. Those who had been shouting that we could go on for another two years may have been secretly glad they were not taken at their word when the bills came in, and they saw the shifts Ministers were put to to find money.[1] In the seven years of the war the National Debt had gone up from about £77,000,000 sterling to £140,000,000. How was the money to be raised? The British people of that day had a particular dislike to new taxes; Ministers were at their wits' end to find a popular object of taxation. £2,000,000 were to come out of the Sinking Fund—luckless Sinking Fund, always the first resort of a Minister in difficulties! £1,800,000 was to be raised by striking Exchequer Bills, and £2,800,000 to be borrowed on annuities. The interest on all this was to come out of a duty of £8 per tun on French wines, and £4 on other wines; and there was to be a tax of 4s. a hogshead on cider.

The Cider Bill called forth such a storm as had not been seen even when the Hanoverians were sent for. The cider counties said they would be ruined; but the objection most loudly put forward

[1] "No nation ever terminated a war against a powerful antagonist with more reputation than Great Britain terminated the last against the united Houses of Bourbon; but her expenses were beyond example. . . . We were obliged to supply our armies by husbandmen and manufacturers, while the plough and the loom stood still. France, indeed, was bankrupt, but . . . she mortgaged no such taxes as Great Britain imposed in perpetuity for payment of interest."—"The Present State of the Nation," *Gentleman's Magazine*, 1769, p. 529.

was that the new tax was an extension of that hated thing, Excise. The tax means that the exciseman may enter the house and pry into the cellar of any man who makes a gallon of cider—and it is £50 fine for resisting him! Mr. Pitt made one of his burning speeches about an Englishman's house being his castle. "Where are we to lay another tax?" said Mr. Secretary Grenville. "Why does he not tell us where we can lay another tax? Let him tell me where—only tell me where!" Mr. Pitt did not tell him where—he only hummed "in a musical tone" a line from the popular song—

"Gentle Shepherd, tell me where . . ."

The House roared, and Mr. Grenville was the Gentle Shepherd ever after. But in spite of petitions, protests, and riots, the Cider Bill passed, and a very few days later Bute astonished everybody, and disgusted his friends, by resigning.

There can be little doubt that his courage failed him. He had had a bad fright on November 9, 1761; he was mobbed as he attended the King to the Guildhall Banquet, while Pitt received a great ovation. The Cider Bill Riots had been ugly; Pitt's speeches were not pleasant, though, as they were made in the Commons, Bute was not obliged to listen to them. Then there was Wilkes, the member for Aylesbury, a dreadful person who had been writing violent articles in his scurrilous paper *The North Briton*. By the advice of his mentor, Bubb Dodington, Bute had set up a paper of his own, and called it *The Briton*, and Mr. Glover (of "Leonidas") and other writers wrote for it, supporting Ministers and vilifying Mr. Pitt. So last June, Wilkes had started *The North Briton*, a paper devoted to reviling Scotsmen in general and the Earl of Bute in particular. Wilkes always called him "the Thane," when he did not call him anything worse, and he had made Bute fifty times more unpopular than he was already. Bute's friends said he was weary of the cares of office, and wanted to retire to the country and his books. Bute himself said that he resigned because he found himself "single in his Cabinet,"[1] with his colleagues speaking against him in Parliament. "The ground I tread upon is so hollow," he wrote to Dodington, "that I am afraid not only of falling myself, but of involving my royal master in my ruin." It was a strange expression, and proves that Bute was well aware he was engaging his master in a dangerously unpopular policy.[2]

[1] He had turned out all the Whigs who were at first included in his Cabinet. Hence his "singleness."

[2] Bute was compared by Wilkes to Roger Mortimer, the lover of a queen, who,

Bute advised the King to send for Mr. Grenville. George Grenville was a brother of Earl Temple, and a brother-in-law of Pitt, whom George had forsaken to take office under Bute. Bute reckoned that George would be his docile puppet, and continue his policy. But Bute never made a greater mistake. Grenville was not the man to be anybody's puppet—not even Pitt's. He was a man of great ability, with a head for finance; a staunch constitutionalist, an even pedantic stickler for the supremacy of Parliament. He quickly showed "the Favourite" that he would not be his tool, and Bute began to intrigue to get him out.

Bute resigned on the 8th April; on the 19th the King prorogued Parliament, and on the 23rd appeared No. 45 of *The North Briton*, accusing his Majesty of telling a falsehood in the Speech from the Throne. The new Secretaries, Lords Egremont and Halifax, at once issued a "General Warrant"[1] for arresting the authors, printers and publishers of "No. 45." On the night of the 29th, the King's Messengers entered Wilkes's house in Great George Street, and seized his papers; and next day he was committed to the Tower. So began the seven years' civic war, which convulsed the country, occupied the chief attention of one entire Parliament, and ended in the victory of Wilkes and the publicity of debate.

From the first the King could not get on with George Grenville. He was as obstinate as his Majesty, to whom he talked as though he were making a speech in the House—for hours at a time. Then he was so "disobliging." His dread of having to lay a new tax made him so parsimonious that he would not buy the piece of open field west of Buckingham House, whereby it was presently built on, and the King and Queen were overlooked "from a hundred houses" as they walked in the gardens. Mr. Greenville—as the King always wrote his name—fairly wore him out, and was, besides, always complaining that he had not his Majesty's confidence, and hinting at a secret influence behind the throne, in Mr. Pitt's own style. He never by any chance did as the King

"from personal motives of power and ambition, hastily concluded an ignominious peace." No. 44 of *The North Briton*, issued April 2, only six days before Bute resigned, had a furious article on the Minister, who had, "if possible, made the name of Stuart more odious and contemptible than it was before." It threatened him with Strafford's fate.

[1] "A General Warrant was a warrant for the arrest of a person or persons not named—it could therefore be used to arrest persons on suspicion, and was more suited to the lawlessness of martial law than to the cautious procedure of civil government. Burke calls the process 'a loose office form, which had been constantly practised from the Revolution, and never in any instance censured during that period.'"—*Annual Register*, 1764.

wished—Mr. Pitt did not either, but Mr. Pitt was always reverential, even when most disobliging; whereas Grenville was barely civil to his Sovereign. So when Egremont died in August, the King made a desperate effort to be rid of Mr. Grenville, who made him so miserable that he was almost willing to take back Mr. Pitt. Bute was sent to sound the great man, who consented to wait upon his Majesty—but not privately, as Bute proposed. So, on a certain Saturday, Pitt had himself carried through the Mall at noonday, in his sedan-chair, which everybody about town recognised (it was made in a peculiar manner to accommodate Pitt's gouty leg). He was three hours with the King, and all was arranged. Pitt's terms were what they always had been—his Majesty must recall the Whigs. His Majesty consented—anything to be rid of "Mr. Greenville." Bute was with the King till late that night, and again early in the morning—about which time Mr. Pitt went down to Claremont, to tell the Duke of Newcastle and arrange the new Cabinet. But from Buckingham House Bute went to Kew, where he saw Mr. Jenkinson (afterwards Lord Liverpool) and Mr. Elliott. Jenkinson had been his private secretary, and was now Secretary to the Treasury, and Elliott was Treasurer of the King's Chambers. Both were friends of Grenville, and had places to lose if Pitt came in. So they talked to Bute about what he was doing in saddling himself with Pitt, till Bute went back to the King in a fright; and at eight that evening Grenville was sent for. The King told him he had thought of "making a change," and had seen Mr. Pitt. "But his terms are too hard—I can't think of complying. You must go on." And the first thing on Monday morning, Alderman Beckford went to Pitt to express Lord Bute's regret that the negotiation had failed, "the terms being too high." He brought a new set of terms which were much too high for Mr. Pitt. Pitt went to the King—who was particularly gracious, as was his way when getting rid of anybody—and told him "affairs could not go on" without the great families who had supported the Revolution Government—thus gently reminding his Majesty who had put him where he was. But the King only replied that his honour was concerned, "and I must support it." So Grenville went on.

Wilkes was the popular idol. On the 23rd December, when No. 45 was to be burnt by the common hangman, the mob spat in the City Marshal's face, threw stones at the High Sheriff, rescued the remains of No. 45 from the fire, and marched with it in triumph, yelling, "Wilkes and Liberty!" to Temple Bar, where they burnt a jack-boot in a bonfire.[1] At Drury Lane the King was

[1] Horace Walpole's letter to Lord Hertford.

received in silence; and when *All in the Wrong* was given out as the play for the next night, the gallery cried, "Let *us* be all in the right — Wilkes and Liberty!" In the debate on Privilege, Pitt, ill of the gout and wrapped in flannels, spoke for two hours for privilege of Parliament, even in the case of libel. But the House voted that a libel is not privileged, and on January 20, 1764, it expelled Wilkes. Then came on the first of the debates on General Warrants, when Opposition made so formidable an attack that the Government escaped defeat only by adjourning the question to that day four months.[1] Presently afterwards Generals Conway and A'Court were deprived of their commands for speaking and voting with Opposition against the Warrants. To make matters worse, the drought of 1762 had caused the slaughter of so many cattle, and the floods which followed had drowned so many sheep and lambs, that meat was dear.[2] Wheat was 52s. the quarter, all provisions were high, and, the croakers said, likely to be higher. In proportion as Ministers grew in favour with the King, they fell with the people. It was rumoured that they were reconciled with Bute, and that Bute saw the King continually. This was the situation when Grenville saw himself compelled to present his Budget. The bill for the war was still unpaid. The millions already provided were not nearly enough. Where was the rest to come from? His Majesty's loyal subjects in England were hardly in a humour for new taxes. The country gentlemen were indignant that the land-tax was still kept at the war-level of 4s. in the pound. The malt-tax could not safely be increased. What was to be done? "Tell me where—only tell me where!"

Then Grenville bethought him of his Majesty's loyal subjects in North America. Part of the debt for the war had been incurred in defending them—the part not spent on the subsidies to Frederick, the Landgrave, and the other German princes. Let the Colonies help us!

It was on the 10th of March, 1764, that Grenville brought forward the "Resolutions of the Committee of Ways and Means," which were to lose this country the dominion over half a continent, and to fulfil the sinister omen that attended the King's coronation.[3] There were twenty-two of these Resolutions. They began with a duty of £2, 9s. 9d. per cwt. on all foreign coffees imported into the North American colonies from any place except Great Britain;

[1] "Barré, with a French bullet still in his face, told the House that by voting for Wilkes he had lost rank and employment."—TREVELYAN.

[2] See a letter in the *Gentleman's Magazine* for November, 1764.

[3] The largest jewel fell from the crown.

and ended with the £2,000,000 to be taken out of the Sinking Fund. Clause 13 explained that the produce of all these duties was to be "from time to time disposed of by Parliament, towards defraying the necessary expenses of defending, protecting and securing the British colonies and plantations in America." And Clause 14—said by Burke to have been added and passed "at the close of the night, and at the rising of the House"—ran thus:—

> "That towards further defraying the said expenses, it may be proper to charge certain Stamp Duties in the said colonies and plantations."

There is a very curious passage in Nicholls' *Recollections*, which does not appear to have been commented on—perhaps because revenue so very soon became a secondary consideration in the quarrel. The fact he mentions, if correct, makes the Stamp Act merely the first step in that "plot against their liberties" in which the Americans so firmly believed.[1]

[1] "From the obstinacy with which the King persevered in it, from the eagerness with which it was proclaimed that it was personally the King's object; that those who supported it were his friends, while those who opposed it were to be ranked as disloyal, and his enemies; from this language being held long after the death of Mr. Grenville, when his influence must have ceased, men are induced to suspect that it was the King's measure rather than that of Mr. Grenville" (*Recollections*, p. 386). Nicholls goes on to say that another circumstance "leads men to doubt" whether the measure originally proceeded from Mr. Grenville. From the beginning of Grenville's administration, it was manifestly his object to increase the revenue; but if his only idea was to make America contribute, "he had no occasion to bring forward the Stamp Act. He had the money already collected. . . . It had been deemed advisable to encourage the growth of various articles of American produce, by allowing a bounty on their importation into Great Britain. I have been told that when the Stamp Act was brought forward by Mr. Grenville, the bounties thus payable on American produce amounted to five hundred thousand pounds a year. Mr. Grenville only proposed to raise two hundred thousand pounds a year by the Stamp Act. If revenue alone was his object, it is scarcely credible that he could have overlooked this sum, which was already in the coffers of the public; and resorted to a mode of taxation, which from its novelty was necessarily uncertain. But revenue was not the object of those who recommended the Stamp Act. Power and patronage influenced their wishes" (388–9). Grenville, however, to the last always spoke of the Stamp Act as his own work.

CHAPTER III

AN EIGHTEENTH-CENTURY VIEW OF COLONIAL POLICY

"The bent and genius of the age is best known in a free country by the pamphlets and papers which daily come out, as containing the sense of parties, and sometimes the voice of the nation."—LORD SOMERS.

EARLY in 1764 a pamphlet was published which sets forth very ably the principles of our Colonial policy.[1]

The author starts by saying that Commerce now rules the world. Commercial considerations are becoming "the predominant principle that will form the general policy, and rule the powers of Europe." At the beginning of the Seven Years' War, the "lead" in commerce "seemed to vibrate between us and the French," but is now in our hands. The thing is to keep it. Our kingdom will then no more be considered as "the mere kingdom of this island, with its appendages of provinces, colonies, and settlements, but as a great maritime dominion, consisting of our possessions in the Atlantic and in America, united into one interest, of which Great Britain will be the commercial center."

How is this to be brought about? "It is a general maxim that the trade of colonies should be confined to the mother-country; but a total infraction of this principle is at present absolutely necessary, not only to the trade of our colonies, but their existence." The fact is, "they are not naturally united with the interest, and submitted to the dominion of the mother-country." They may even be "at war when we are at peace, the Spanish war is a proof"; or they may be "in full possession of the commerce of peace when the mother-countries may be at war, every war is a proof." Their interest requires a trade independent of the Mother Country, and this independent trade will become the natural, and that with the Mother Country only the artificial, branch of their commerce. The only way to obviate this is to hit on some scheme for giving our

[1] *The Administration of the Colonies.* This pamphlet is abridged in the *Gentleman's Magazine* for March, 1764.

Colonies a natural interest in us. The first thing to be done is to establish a Department for the General Regulation of Trade. Within its own sphere, it must be "sovereign and supreme," and the King in Council should act on its information in all matters affecting the Colonies. In fact, the author calls for a Colonial Secretary, with a Board under him.

Our object is to be: "First, that all the profits of their produce and manufactures center in the mother-country. Secondly, that they continue the sole customers of the mother-country. Care should also be taken to keep them unconnected and independent of each other; because, by a union, they might possibly shake off their dependance upon the mother-country, and set up for themselves." "Fortunately, for us, they are settled in different manners," have different forms of government, and different principles both of religion and policy. We have only to secure them in these rights and privileges in order to preserve their disunion.

We are to strive to keep them as our "appropriated customers"; they must not export but to a British market, and they must not import but from a British market; but this should not continue to mean that they may only trade with Britain. There should be British markets established in other countries, and the colonists should be permitted to export to a foreign country, provided they sell *to a British House*—of course paying the same duties as if trading direct with England. He then instances the various "factories" (at Petersburg, Riga, Hamburg, Lisbon, Cadiz, etc.), but seems not quite sure whether they really do ensure that profits centre in Britain.

He is clearer as to the advantages of supplying the colonists with East India goods—"in a way that would totally prevent the contraband trade." The East India Company would thus become "the collector of all the surplus silver in America, and perhaps also some of the gold and ivory of Africa."

He is aware that unwise duties—like that on molasses—may defeat their own object, and destroy a valuable trade. That duty was laid to please the West India Islands—there was "a struggle between the West India and North American traders, who should have the profit of it." We have sacrificed the American interest to the West India; but the Government must know that this was false policy—the law has been evaded, and a good thing too. Then there is the law about white pines. No pine of 24 inches diameter at 20 inches from the ground, and not private property, may be cut down. This law, passed to preserve white pines for

masts, operates to their total destruction—for the colonists evade the law by felling them before they are fit for masts; and now we have to go a great distance for our masts, and in a short time shall have none at all within practicable reach. If we go on as we are, it will soon take seventy or eighty yoke of oxen to drag the trees from the remote parts where alone they are now suffered to reach the required size.

Nothing has prevented the Americans from going into manufactures, but the dearness of labour. Put up the price of imports, and you make it worth their while to manufacture.

The mingled sense and folly of this reasoning must strike everyone. The author sees that the total dependence of the Colonies on the Mother Country is unnatural and pernicious. He proposes to make it less pernicious by another unnatural arrangement—the costly and roundabout device of intermediate markets, with all their inconveniences and increased risks of transport. He calmly ignores the "interest" of the foreign nations on whose territory he proposes to establish markets which are to be exclusively for our benefit—nay, are intended to benefit us at their expense, by compelling them to accept us as middlemen instead of trading with their customers directly. It never seems to occur to him that the commercial principles which are in future to rule the world may operate to prevent foreign Powers from acquiescing in this snug little arrangement, the intention of which he so candidly explains.

His very sensible remarks on the effect of "unwise" duties show that he was a free-trader without knowing it. A little deeper reflection would have shown him the high probability that his artificial markets would only have produced analogous evil effects on a vaster scale. His remark on the transfer of the world's trade, as the result of the Seven Years' War, may set us thinking in another direction—on the futility of wars undertaken to divert the trend of commerce. When commerce is setting in a given direction, the country which sees itself losing never retrieves itself by arms. The efforts of France to oust us from India are an instance. In greedily snatching at all, she lost all. If she had let us alone, nothing worse could possibly have befallen her than that which did befall—and it is quite possible that instead of all India being this day a British possession, France might have shared it with us. And if this had been for us both rather as a "sphere of influence" than as a conquered demesne, it might have been no worse for either of us, or for India, or the world.

In 1764, English manufacturers spoke with the utmost candour of their desire to prevent the development of American commerce. On February 10, 1773, Isaac Spooner of Birmingham puts the case

to Lord Dartmouth, in a letter prompted by fears lest "Mr. Quincy's petition" be granted.[1] "If they manufacture the steel and send it over to England it will greatly injure the home trade. . . . If they are permitted to make steel, and draw it with Tilt hammers, they will soon manufacture it, that being the next step . . . manufacturers will soon increase with them, to the great prejudice of England . . . nor need I mention to you how greatly any progress in the Iron and Steel Manufacturies will tend to promote the favourite scheme of America; Independence on (sic) this Kingdom. Tilt hammers are of very general utility in almost every Branch of the Iron and Steel manufacturys, being a more expeditious and cheaper method of preparing both . . . and I think should be absolutely prohibited in America, if we have any power to prevent their use there."

Mr. Spooner does not call England the "mother-country," probably his fear of the Americans getting leave to use tilt-hammers had for the moment chilled his paternal sentiments. It is really strange that we did not perceive the irony of the expression. We had from the first behaved towards American commerce as a thing we must never allow to flourish. If the colonists were our children, our action had been that of a father with grown-up sons. He is in a large way of business, but he carefully refrains from taking his sons into full partnership, lest they should interfere with his business, and take away his customers. He does not wish them to prosper much, and he does all he can to prevent it. If they ask him to allow them to extend their own little businesses, he exclaims that they intend to set up for themselves and reduce him to beggary, and when they persist in their demands, he brings an action against them, and threatens to seize anything they dare to sell, except to himself. Between a father and his sons, we should, even in 1764, have thought such conduct madness, and the father fallen into dotage; but for centuries it appeared to everybody the right way to treat Colonies which we were proclaiming a part of our "Empire," therefore to some extent our partners in business.

One of the most curious features of the contest with America is the fact that we drifted into it with our eyes open. We understood instantly that the Colonies were deeply offended—so we resolved to provoke them further. We saw in their indignation a proof that they intended to cast off our yoke—so we at once set about to make that yoke heavier than it ever was before. Not content with this, we talked about independence long before a single one of the provinces ever dreamed of it. The stock argument of the advocates of "firmness," was, that if we yielded in the matter of internal

[1] *Hist. MSS. Comm. Report XIV*, App. 10, Dartmouth MSS., p. 137.

taxation, the Colonies would set up for themselves—as though we were determined to show them that they could not have the benefits of union without surrendering their constitutional rights. This view was urged in speeches in Parliament, in the public Press, and in private letters—in every key, from the ferocious howls for blood uttered by that reverend incendiary, Dr. James Scott, up to the calm and moderate reasoning of Grenville himself. It is indeed strange to find Grenville writing to Lord Trevor that, if the new Secretary for the Colonies means to "be reconciled to the ideas of their *dependence* and obedience, agreeably to the letter and intention of the British Acts of Parliament," then "a firm and temperate conduct must be steadily pursued"; but "if independence is to be openly avowed, appearances of resentment against the Americans will only expose the honour of the King and kingdom to fresh insults and contempt." So that, unless we are prepared to grant independence we must be careful not to conciliate the Americans!

Those who were now conducting affairs, however, managed to combine the evils of both policies with the advantages of neither. They were not mad enough deliberately to plan another war before they had paid for the first. They did not think they would have to fight America. They were sure bullying would be enough. When they found they were bullying the colonists into armed resistance, they thought a few regiments would be enough. Then an army. Then two armies. To the last, the one contingency that never presented itself to their minds was that the bullying system might finally land them in a situation beyond their control. They thought their choice lay between yielding a certain point, or obtaining it by compulsion. They never perceived that the real alternative was, whether Great Britain should retain her North American Provinces as a part of the Empire, by allowing dependence to become merely nominal—an arrangement which would have perpetuated every solid advantage the Empire ever did derive or ever could derive from colonies—or lose them for ever. As we follow the story, we shall see Administration committing the opposite blunders of haste and delay, vacillation and tenacity, feebleness and violence. A year was taken to consider whether Government should persist in a measure which it seems not to have considered for five minutes before proposing. The year's consideration having shown beyond a doubt that the tax was producing ill-will from one end of America to the other, Government resolved to persist! Finding that it was injuring British trade, it repealed the measure, and turned resentment into gratitude—whereupon it devised a new measure, more

obnoxious than the first, and on a far larger scale. Henceforth the colonists knew that even if they succeeded in getting one injurious tax withdrawn, another of the same nature would be promptly substituted.

There are only two possible ways of preventing discontent from developing into rebellion: one is to avoid legislation certain to arouse dangerous resistance; the other is to resort at once to force —to call out the troops and mow the people down, till resistance is crushed. The chief disadvantage of the latter method is that though the generation which receives so terrible a lesson is cowed, it is not made loyal, and it almost always happens that the next generation requires a still more terrible lesson, until a Government has so much to do in shooting its own subjects that it can hardly spare soldiers to fight its enemies. And the farther off the country which has to be thus held down, the greater the expense, inconvenience—and finally, danger—of holding it. In the case of America, the British Government took a middle course—it tried to cheat the Colonies into submission by threats; but it only succeeded in cheating the British nation into believing that the trouble was the work of a few disreputable agitators, whose hired ruffians would run away as soon as they saw the shako of a British grenadier. The stamps were never expected to bring in more than £100,000 a year; the tax on tea was never estimated at more than £30,000 or £40,000 a year. If the British Parliament had realised that to gain these revenues would cost an Eight Years' War, £128,000,000, and tens of thousands of British lives; that, after the victory, a large army must be permanently kept in North America—more than swallowing up all the revenue that could possibly be obtained there, —if they had realised this, would they still have passed the Boston Port Bill? And if they had foreseen that when the Eight Years' War and the £128,000,000 were gone, a second British army would surrender to the united armies of France and America, one would think there was no man in Great Britain but would have run out into the streets crying for instant reconciliation with the Colonies. But who can say? A madman was able to bring 100,000 men to London to protest against the repeal of laws which denied to Catholics the rights of citizens; but Chatham himself could not persuade the House of Lords to make up the quarrel with America.

For a hundred years we had been trying to repress Colonial progress. The Navigation Act, the Trade-Laws, were all intended to prevent the Colonies from having a fair chance. To this end we made 29 Laws, which show ingenuity worthy of a better cause.

The following is quoted from an American writer, but the facts are to be found on the pages of our Statute Books:—

"The barbarous code of commercial law, which disgraced the Statute-book of England for the exact century which intervened between the introduction and expulsion of her Colonial Collectors and other officers of the Customs, was entitled to no respect whatever. Separation would have followed as certainly in 1676, when the *first* attempt was made to fix this code on America, as in 1776, when the experiment failed a *second* time, if there had been at the one period the same strength and concert . . . as existed at the other. There never was a moment, early or late, when the maritime Colonies would have submitted willingly to the requirements of these statutes, or have submitted to them at all without the use of force. . . . An American merchant had to evade the law of the land to give a sick neighbour an orange or cordial of European origin, or else obtain them loaded with the time, risk, and expense of a voyage from the place of growth or manufacture to England, and thence to his own warehouse. If an American ship were wrecked on the coast of Ireland, she must not unload her cargo there, but must send her merchandise to England—then, if it was intended for Ireland, an English ship would take it back."[1]

It is no wonder that a fourth of those who signed the Declaration of Independence were merchants! No people could endure such unnatural restrictions. The colonists did not. An admirably organised system of smuggling made commercial life possible—here, as in all other countries,[2] evading all the costly machinery of government. Writs of Assistance were intended to check smuggling, by extending the right of search. The trade laws were not even workable. The Molasses Act of 1733 was suspended for thirty years—to be revived at the time of the Stamp Act.[3] It was the law of nature that America should sooner or later become independent. Nations, like individuals, reach a stage in their growth when the most benevolent control becomes first useless, then injurious. If a father exacted from a grown-up son the unquestioning obedience of a child, the situation would soon become

[1] Sabine, *The American Loyalists.*

[2] The duties only made smuggling worth while. Many years later, Mr. Holroyd told Arthur Young that all the "lively young men" in Sussex were employed in smuggling. They could earn a guinea a week as riders and carriers, with no risk, and cannot therefore be expected to work in the fields for 8s.—*Hist. MSS. Comm. Report XV*, App. 6.

[3] 9d. a gallon on rum; 6d. on molasses; 5s. a cwt. on sugar not imported from the British sugar islands. Governor Bernard, in 1763, begged that lemons might be free, as they were necessary to health in the climate of Massachusetts.

impossible, though the father might have no separate interest to serve. How much more impossible must it be, when a "Mother Country" tries to prevent her Colonies from getting on too well, lest they should injure herself! No such attempt can ever succeed. If the colony has not the spirit or the power to resist, it will dwindle and pine till it ceases to profit the Mother Country. If it resists and is subdued, all the Mother Country gains is the wretched satisfaction of wasting her own dominions, and sowing ill-will to herself for generations yet unborn.

CHAPTER IV

THE STAMP ACT

"We hardly read a newspaper that does not mention manufacturers of one kind or another going from England, Scotland, or Ireland, to settle in those Colonies; which, if true, is certainly a matter that should to the last degree prove alarming to these kingdoms. . . . Are we not two ways contributing to the undoing of ourselves? . . . Must it not then be worth while to look a little way before us?"—Letter in the *Gentleman's Magazine* for January, 1765.

"I sat as a stranger in your gallery when the Act was under consideration. Far from anything inflammatory, I never heard a more languid debate in this House. No more than two or three gentlemen, as I remember, spoke against the Act. . . . In fact, the affair passed with so very, very little noise, that in town they scarcely knew the nature of what you were doing."—*Mr. Burke's Speech on American Taxation*, April 19, 1774.

"Children planted by your care! No! Your oppression planted them in America. Nourished by your indulgence! They grew by your neglect of them. . . . Protected by your arms! they have nobly taken up arms in your defence."—*Speech of Colonel Barré*, March 6, 1765.

THE "Gentle Shepherd" must have had some misgivings, for the clause relating to the duty on stamps was withdrawn "for the present," to give time for the Colonies to petition upon it. Grenville expected this "petition" to take the form of an offer of a lump sum in compensation; and when the Colonial agents waited on him to thank him for the promised delay, he told them he was quite ready to receive proposals for any other tax, equivalent to the stamp tax in value; and he hinted that if the colonists agreed to this they would establish a precedent for being consulted another time. "Tell me where! Only tell me where!"

But it was not Clause 14 over which the several political parties wrangled in the public prints. The appropriation of the Sinking Fund had the first place in these discussions, and next to it the blow which Grenville's Budget struck at the inter-colonial trade of North America.

The British, Spanish, and French colonies of North America had long done a brisk trade among themselves. So important was this trade that it had been carried on, even during the late war, under

flags of truce, and by roundabout ways, through the Dutch and Danish islands; until the British Government, discovering that the French were profiting by it, declared it treasonable to supply the enemy with necessaries. But the moment peace was made, this trade had been resumed. Now, at one blow, it was to be destroyed. Armed cutters, commanded by naval officers, were sent over "to stop the smuggling" on the coasts of North America. This degraded officers to the level of excisemen--the usual custom-house oaths were administered to them. But they were entirely unfit for the work. These "sea-officers" knew nothing of legal niceties, and cared as little. A great temptation was placed in their way—it was so easy to make a mistake, so difficult and tedious for that mistake to be set right. They seized vessels right and left, Colonial as well as Spanish, and complaints could only be settled by wading through interminable piles of bonds, cockets, clearances, certificates, manifests, registers; and when all these had established the fact of an error, there was the further delay of an appeal to the Lords of the Admiralty, 3000 miles and six or eight weeks' sail away.

Moreover, as though it was intended to press as hardly as possible on the Colonies, the duties must now be paid in specie, which must be sent to England. Even the money which was to be spent in paying the troops sent out "to defend the Colonies" must first come to England, and then go back again to America!

As might have been expected, on the first news of Grenville's Budget, the colonists took the alarm. They disowned the right of their agents to make any promises in their name, and they openly questioned the right of the British Parliament to tax them at all. They said that taxes were a free gift; whatever taxes the Colonies paid must be voted by their own legislatures. When they were reminded that the money was to be spent in defending them, they replied that they would just as lief defend themselves. They were still sore at the way in which the provincial officers had been slighted, and their advice over-ruled, during the late war, and they had not forgotten poor Braddock's disaster. Nor were they without grievances of older date. The law respecting white pines has been mentioned. There were other laws of the same sort—some twenty-nine in all—passed at various times by the jealous old Mother Country to restrain the industries of the Colonies—laws against setting up looms, erecting machinery, even against using the waterfalls provided by bounteous Nature for the use of man. Far down in the forests of Maine, great forest-trees were rotting away, because they were marked with the King's broad-arrow, and might be

wanted one day for his navy. Not one in a hundred of these trees was ever so used, but it was £100 fine to touch one of them. Such things as these were not calculated to make the colonists think that Old England was an unmixed blessing to New England. But in 1765 the colonists would have been almost as frightened at the thought of throwing off the Mother Country, as a schoolgirl of those days would have been at the thought of travelling alone on the coach from London to Edinburgh.

The very first result of the new Budget ought to have shown England that in trying to make her Colonies pay her debts she was only cutting her own throat. Hitherto the dearness of labour, and the comparative cheapness of imported goods, had prevented the colonists from setting up manufactures of their own. Now that the new duties would put up the price of imports, we made it worth their while to manufacture. They at once resolved to do so, and formed "Associations" pledged to buy of us nothing which they could possibly make for themselves. Well might thoughtful men recall the words of Sir Robert Walpole, spoken in 1739, during the war with Spain, when somebody had a scheme for taxing the Colonies: "I will leave that for some of my successors, who may have more courage than I have, and be less a friend to commerce than I am."

There were other considerations which might have made even a more "courageous" Minister than Walpole shrink from inflaming New England. The New Englanders were the descendants of men who had gone out into the wilderness to escape from oppression. It was not likely they would tamely submit to it now that they had made the desert to bloom as the rose. If they had refused to bend the knee to the King of England, when they were within his kingdom, was it likely they would fear him when a thousand leagues of ocean flowed between?

The case, however, as it appeared to the British Government, was as clear as daylight. Had not Tacitus said that there is no peace without arms, no arms without pay, no pay without tribute? Was it not just that the Colonies which had profited so much by the war, and whose interests had been the first objects of the Peace—who, moreover, undoubtedly could pay if they chose—should contribute "about a third part of the expense necessary for their own defence"?[1]

[1] An indignant Briton asks: "Is the interest of the Mother Country become so minute a consideration in the British Empire that that interest must be postponed to the interests of the meanest branch of this Empire? . . . A people of such perverse hearts can deserve a very small part of our affection."—"A Dutiful Subject," *New Daily Advertiser*, Feb. 18, 1766.

About 10,000 men were now found necessary for this—the new provinces must be defended, and a new expense of between £300,000 and £400,000 must be annually incurred. The Stamp Act was planned to provide for this most reasonable outlay.[1]

It made matters worse that the colonists, like the people of England, were just then in a bad humour. A great misfortune had happened in 1763—a terrible Indian rising, alleged to be instigated by the French trading agents. There had been dreadful massacres in the back settlements of Pennsylvania, Maryland, and Virginia. Several British garrisons in Canada had also been massacred. Exasperated by this, a band of persons unknown, from some of the frontier townships, fell upon and murdered in cold blood the harmless and friendly Indians of Lancaster County. It was a wicked and barbarous deed worthy only of savages, and Dr. Benjamin Franklin wrote a noble protest, in which he tried to shame these white murderers by relating instances of the Red men's magnanimity and honour. "O Pennsylvania!" he says, "once renowned for kindness to strangers. . . . Those whom you have disarmed to satisfy groundless suspicions, will you leave them exposed to the armed madmen of your country? Unmanly men! who are not ashamed to come with weapons against the unarmed, to use the sword against women, and the bayonet against young children!"

Then he tells how the Royal Highlanders, "brave men and true soldiers, who had often had their ranks thinned in Indian warfare," but "did not for this retain a brutal undistinguishing resentment against all Indians," had protected the remnant, and offered to escort them safely to New York.

No one can read Franklin's words about this affair without feeling that the choice his countrymen were so soon to make of him, as their advocate with the English people, reflects as much honour on them as on himself. Franklin as a man of science, and as the Philosopher of Common-sense, was long since known and honoured throughout Europe. He had already done enough for Pennsylvania to earn a name in her history. He had been head of the Provincial Post Office since 1737, and since 1753 Joint Postmaster-General for America. In this office he had brought the revenue up from nothing to a net yearly receipt three times as large as that from the Irish Post Office. In Philadelphia he had founded a volunteer fire-company, a book-club (the beginning of subscription libraries in America), a paid police, a hospital, a Philosophical Society, an Academy—afterwards the University of

[1] It was expected that the revenue from the stamps would be about £100,000.

Philadelphia—and a paper currency. He got the streets paved, cleaned, and lighted—he designed a street-lamp like that still in use; he invented a hot stove for sitting-rooms, and refused to patent it because he had benefited so much by the inventions of others. He also invented wall-papers. He was new neither to great public affairs nor to great emergencies. In the panic after Braddock's defeat, Franklin—who had organised Braddock's transport and commissariat—was entrusted with the defence of the North-West frontier against the Indians.

Nothing could shake Grenville's belief in his scheme. Franklin presented a Resolution of the Assembly of Pennsylvania, denying the right of the British Parliament to tax them—in matters of aid their business was with the King, and they would think it their duty to grant aid to the Crown according to their abilities, whenever required of them in the usual constitutional manner. We thus see that from the very first moment the American Assemblies claimed to be on the same footing as the British Parliament. It was no after-thought, hypocritically put forward on the verge of armed rebellion.

Franklin says that if Grenville had listened to this he would have got more money voluntarily than he could ever have got from the stamps. Grenville stooped to the meanness of tricking Franklin into naming the stamp distributors, by professing a desire to appoint persons as little offensive as possible—and Samuel Smith circulated it in America that Dr. Franklin had planned the Stamp Act, and was trying to get the Test Act extended to America! Franklin says that the colonists paid in taxes full half a crown in the pound. They would once have been pleased with "a consolidating union" by means of "a fair and equal representation of all parts of this empire in Parliament—the only firm basis on which its political grandeur and prosperity can be founded." But the time has passed. "Now they are indifferent about it; and if it is much longer delayed, they will refuse it"—as Ireland did, though once wishing for it! He adds, "Every man in England seems to consider himself as a piece of a sovereign over America; seems to jostle himself into the throne with the King, and talks of *our subjects in the colonies*."

The year of consideration passed. The colonists did not suggest any less obnoxious tax, so the Stamp Act became one of the 55 Clauses of the Bill for Taxing the Colonies, which passed the Commons on the 6th of March, 1765, and received the Royal Assent on the 22nd. The Assent was given by Commission, because the King was ill. Never was a fateful measure passed with

less observation.[1] This time there had been a debate, but the only speech of note was that of Colonel Barré, who with Conway was dismissed the year before for voting against General Warrants. There was but one division in the Commons; in the Lords, there was neither debate, division, nor protest.

During the interval between the passing of the Bill and the Royal Assent, the Colonial agents for Connecticut, Rhode Island, Virginia and Carolina, with the agent for the Jamaica traders, had made one last attempt to be heard, but were refused. Nor were the resolutions of the Assemblies of Virginia and Massachusetts Bay laid before Parliament. It struck no one as ominous that provinces so different in foundation, history, character, climate, religion, and trade interests, as Rhode Island and Virginia, should be agreed. But what could Ministers do? The £10,000,000 deficit must be made good somehow, and the British people were in an ugly temper, while the Colonies were growing richer every day.

The whole affair is a typical example of what a people may expect when its destinies are controlled by another people three thousand miles away.

It used to be said afterwards, that if Ministers had not granted that year's delay, and so given the Colonies time to think about it and get up opposition, but had simply sprung the stamps upon them, they would have submitted quietly. It is always so. When some violent measure has goaded a people into insurrection, there are always found persons to say that the measure failed only because it was not violent enough.

The stamps were sent out, and no ships that ever sailed carried a more fatal cargo than those flimsy scraps of paper.

[1] "Lord *Mansfield*, as speaker, and the Earls *Gower* and *Marchmont*, by virtue of a Commission from his majesty, gave the royal assent to the following bills . . ." A list of Bills follows, and in the middle of the list, "for laying a stamp duty in the *British* colonies in *America*."—*Gentleman's Magazine*, March 22, 1765.

CHAPTER V

"THE OCCURRENCES IN NORTH AMERICA"

"Resolved.—That his Majesty's liege people of this his most antient and loyal colony have, without interruption, enjoyed the inestimable right of being governed by such laws, respecting their internal policy and taxation, as are derived from their own consent."—*Resolutions of the House of Burgesses in Virginia*, May 29, 1765.

"Resolved, nem. con.—That it is the interest, birthright, and indubitable privilege of every British subject, to be taxed only by his own consent, or that of his legal representatives."—*Resolutions of the House of Assembly, in Philadelphia*, September 21, 1765.

"The colonies are indebted to the merchants of Great Britain in the sum of several millions sterling . . . but declare it is not in their power, at present, to make good their engagements, alleging that the taxes and restrictions laid upon them . . . have so far interrupted the usual and former most fruitful branches of their commerce, thrown the several provinces into confusion, and brought so great a number of actual bankruptcies, that the former opportunities and means of remittances and payments are utterly lost and taken from them: and that the petitioners are, by these unhappy events, reduced to the necessity of applying to the House, in order to secure themselves and their families from impending ruin." —*Petition of the Merchants of London, trading to North America*, January 17, 1766.

"Our trade is in a most deplorable situation, not one-fifth part of the vessels now employed in the West India trade, as was before the late regulations. Our cash almost gone before the Stamp and Post Office Acts are to operate; bankruptcies multiplied, our fears increased, and the friends of liberty under the greatest despondency; what these things will end in, time only can discover!"—*From Boston*, June 6, 1765 (*London Chronicle*, July 11–13, 1765).

THOSE who lamented that the Stamp Act was not sprung on America without warning, had this much ground for their reproaches, that Grenville's delay gave the colonists time to realise what the loss of the Spanish trade meant to them. Spain herself was not sorry —these jealous old mother countries were a good deal alike in those days, and thought that the prosperity of a colony was so much out of their own pockets. They no sooner observed it than they began to cast about how to divert it to themselves. But this time Great Britain had cut her own throat. A letter from Kingston, in Jamaica, written in January, 1765, says the place "is become a desert, since

we were so wise to banish our best friends the Spaniards"—all the trade has gone to the French and Dutch. From Boston, in March, we hear: "Funerals without mourning, or the giving of English gloves, are become so fashionable that there has been but one burial for many months past in the old-fashioned way."[1] And the writer adds that this has saved the town £10,000 during that one year. "It is a pleasure to behold what other savings are made by laying aside a multitude of superfluous articles of British manufacture, and British produce." All this was the result of the laws restricting inter-colonial trade. And now the Stamp Act was to fall upon them, and tax afresh such business as we left them! As instances of the effect of the Stamp Act, a writer in the *Gentleman's Magazine* says that a ream of printed bail bonds, hitherto sold for about 15s., would with the stamps now amount to nearly £100. A ream of printed policies of assurance, now costing about £2, would with the stamps come to £190.

When the news came that the Stamp Act had received the Royal Assent, the ships in Boston Harbour hung their flags at half-mast, the bells rang a muffled peal, the Act was printed with a death's-head in the place where the stamps should be, and those that hawked it about the streets cried, "England's Folly, and America's Ruin!" Presently, a new paper, the *Constitutional Courant*, came out with a head-piece of a snake cut in pieces, on each piece the initial letters of one of the thirteen colonies, and above them, JOIN OR DIE. The Act was publicly burnt in many places, and with it the effigies of those persons supposed to have had a hand in it; while at meetings it was voted that thanks should be given to General Conway and Colonel Barré, for their speeches in the British Parliament; and the portraits of these gentlemen were voted to be placed in the "Town Houses."

These things were known in England, even before the ships with the stamps had sailed, and some captains declined to risk themselves and their ships.

They showed their prudence, for most of those who took the stamps were obliged to give them up to the infuriated mobs, who swarmed down to the quays, and threatened to hang any captain then and there who did not surrender all the stamps he had aboard. And, having got them, the mobs burned them, as they had burnt the Act itself.

By the end of October, news began to reach England of the way in which the Stamp Act had been received. The most alarming accounts came from Boston, New York, and Philadelphia, but

[1] "And that a negro," says the letter in *The Chronicle*.

in at least nine of the thirteen North American Provinces a spirit had already manifested itself, which filled with apprehension all prudent observers, both here and in America.[1]

The Americans did not wait for the stamps to arrive; as soon as they knew that the Bill had become law, they began to show their teeth. But everything goes to prove the truth of their subsequent protestations, that, so far from entertaining any long-standing intention to cast off the authority of Great Britain, they were disposed to put up with a great deal rather than do so. The following extract from a letter printed in the *London Chronicle*—a Tory and Ministerial paper, be it remembered—puts it very clearly:—

"We are freeholders, yet have we no right to a voice in the choice of those who claim the power to make laws for us. But even to this might we submit were we not taught and forced by severe partial laws, to consider ourselves distinct from the inhabitants of Great Britain. . . .

"Heretofore, we have been used to speak of England as our mother country, children have been taught by their parents to revere and love its constitution, and to risk everything in defence and support of it; the restrictions from time to time imposed were submitted to . . . but when those impositions are urged as arguments for laying on us still greater . . . we cannot be silent.

"That the Colonies have borne a great deal before they complained must be allowed. . . . No one colony can supply another with wool, or any woollen goods manufactured in it. The number of hatters must be retained . . . the iron we dig from our mountains, we have just the liberty to make into bars, but farther we must not go; we must neither slit it nor plane it.[2] Nor must we convert it to steel, though 'tis a truth well known, that we cannot have steel from England fit for use. Nay, though England admits of steel being imported from Germany, she will not suffer it to be made in her colonies . . . in some instances (as in the wines imported from Lisbon) we are obliged to carry the goods to England, there unload them, and then re-ship them to America; as if it were not enough to levy a tax, without doing it in the most expensive manner.

[1] "The Assembly of the little state of Rhode Island resolved in September, 1765, that the 'first adventurers' of that colony brought with them and transmitted to their posterity all privileges and immunities enjoyed by the people of Great Britain, and were by their Charter entitled to all privileges of natural-born subjects. They have been governed by their own Assembly in the article of taxes and internal police, and subjects are not bound to yield obedience to any other law or ordinance."—*Hist. MSS. Report XIV*, App. 10, p. 19.

[2] I find a pamphlet, dated as far back as 1718, on the "reasons for making pigg iron but not barr iron in America."

"The paper mills, nursed with care and brought to so great perfection in this province, must now fall; at the same time the business and trade of the printers is ruined. . . . In a short time all the hard money on the continent will not suffice to pay the taxes laid upon us."[1]

It has, perhaps, never been made sufficiently clear that Grenville's scheme was not merely an enlarged and more injurious form of custom-house duties, but involved the new principle of actual "internal taxation." It thus differed both in degree and in kind from our former policy, and the colonists bring this view very prominently forward in their remonstrances. For a century and a half we had meddled with their commerce, but also for a century and a half we had allowed them to tax themselves by their provincial legislatures. And they had not been niggard—by our own admission they had contributed largely to the cost of the French Wars.

Could we but have been content to let well alone! Instead of that, in our haste to make more out of them, we had chosen the same moment for striking such a blow at their commerce as we had never ventured on before, and for imposing a new and onerous system of taxation. If we do not keep this fact well in view, we shall not understand the extraordinary fierceness of their indignation. The Ministerial party, who of course would not confess that their measures could have justly provoked such a feeling, represented it as the work of a few agitators, who harboured the wicked wish to throw off the British connection. But if we reflect that in passing the Bill, of which the Stamp Act formed a part, we were behaving like a landlord who should deprive his tenant of half his customers, at the same moment that he doubles his rent, we shall need no explanation of the colonists' fury. Fury it was, and New England, Puritan New England, and Boston, the heart of New England, led the way.

When day dawned on the 14th of August, an effigy was discovered hanging "on a limb of the great trees, so-called." It was understood to represent Mr. Oliver, Governor Bernard's secretary, who had just accepted the office of Stamp Distributor.[2] The mob resisted all attempts to take it down, and the Sheriff reported to the

[1] Letter from a Merchant in Philadelphia to his Correspondent in London, dated June 19, 1765. Quoted in the *London Chronicle* for August 17–20, 1766.

[2] There was also "a jack-boot, with a head and horns peeping out of the top." A jack-boot was, both in England and America, the emblem of Lord Bute.

Council that afternoon that his men could not remove it without imminent risk of their lives. The Council was divided—some were for treating the affair as a rude jest—better to take no notice and let the excitement die down. This was a preconcerted business; but as the greatest part of the town was certainly engaged in it, and there was no force to oppose it, to take notice of it would inflame the people still more. But after dark, the mob took down the effigy, and brought it past the Town House, where they knew the Council was still sitting. As they passed they gave three cheers, and went on to a new building, lately erected by Oliver to let out for shops, but reported to be intended for the Stamp Office.

"This they pulled down to the ground in five minutes," says an informant of the British Government, who begs that his name may be withheld; for "the party, by their tools, give out that if they knew the man that would so far assist Great Britain as to inform against any man, in this or any other province, he should not live many hours."[1] The mob next went to Oliver's house, beheaded the effigy in front of it, and broke the windows, after which they burnt the effigy on Fort Hill, with wood taken from the supposed stamp office. Oliver had sent away his family, but himself remained in his house, with a few friends—but was persuaded to retire, when the mob returned, and broke in, calling for him that they might kill him. Oliver appears to have been only saved by one of his friends making the mob believe he was already safe in the Castle. The Governor and the Sheriff, who went out after eleven at night to "persuade" the mob to disperse, were received with a shower of stones. The colonel of a regiment of militia, to whom a written order was sent to beat an alarm, declined, saying that as soon as the drum was heard the drummer would be knocked down and the drum broken. So the mob were left to disperse when and how they might choose. The writer says he could see the bonfire still burning as he wrote. Next day, Oliver promised to resign, several gentlemen having advised him to do so, as otherwise his life would be in continual danger.

A later letter from the same person says that no one could express disapprobation of "this insurrection" without being in immediate danger. A gentleman who had only said he expected that the soldiers would be sent into Boston had to make a public apology to save himself from being mobbed. A "Church of England clergyman," who in a sermon "obliquely condemned" the riot, was threatened. One "congregational minister" had prayed for the

[1] Letter to the Lords of Trade, given in *Hansard*.

success of the opposition, but the writer knows others who disapprove, but dare not say so.

From this time, until the arrival of the ship with the stamps, the mob seem to have had pretty much their own way. The authorities had been obliged to look on and see Oliver's house demolished; the chief people in the town publicly justified the outrage, the mob "became elated," and many old scores were paid off against persons in office. When a mob intended to pull down a house, they used to begin by crying "Liberty and Property!" On the night of the 26th of August, there was another serious riot, the house of the Deputy-Registrar of the Admiralty was destroyed, and all the Admiralty records were burned in a bonfire. The same night they destroyed the house of Mr. Hallowell, Comptroller of the Customs. The house was new, and elegantly furnished—everything of value was destroyed or carried off.

Lieutenant-Governor Hutchinson had been warned that mischief was intended him, but inasmuch as he had nothing to do with either the Stamp Act or the Customs, he felt secure, and was at supper with his family when he received a message that the mob was coming. He immediately sent away his children, intending himself to remain—but fortunately for him his eldest daughter returned, and refused to go unless he did. The mob broke in, and searched for him, and finding he had escaped, "went to work with a rage scarce to be exemplified by the most savage people." They destroyed "in the most minute manner" everything movable, except such articles of value as family plate, etc., and about £1000 in specie—these they "carried off." This destruction of papers was a national loss. Hutchinson had been all his life gathering together a large and valuable collection of manuscripts and documents, relating to the early history of Massachusetts, and those who possessed such things had given them to the Lieutenant-Governor "as to a public museum." It was the only collection of its kind, and it seems astonishing that no one of the "chief men" of Boston tried to save these archives. As for the house itself, we are told the mob was a long while resolved to level it to the ground, and worked for three hours at the cupola—keeping on till daylight. The house was built from a design of Inigo Jones, or his successor. The walls were of very fine brickwork—probably brought over from Holland, like those of the old Province House—and adorned with "ionic pilasters worked into the walls." It resisted all the efforts of this mob of Vandals; but in the morning the streets were found scattered with "money, plate, gold rings, etc.,

dropped in carrying off."[1] The writer, with great moderation, puts the loss at £3000 sterling. Even those who had approved the sacking of Mr. Oliver's house were now frightened; but "great pains are taken to separate the two riots." What was done against Oliver was called "a necessary declaration of their resolution not to submit to the Stamp Act." It was even hinted that "if a line was not drawn between the first riot and the last, the civil power would not be supported by the principal people of the town." But even for the last riot, though several persons were arrested, no sufficient evidence was forthcoming, and no one was committed.

Such was the situation on September 11, when the ship with the stamps arrived. By the advice of his Council, Governor Bernard hurried the bales into the Castle. A great crowd had instantly assembled, and Mr. Meserve, who came over as distributor, was surrounded, and warned as he valued his life not to attempt to distribute them, and not to go into New Hampshire unless he first resigned his office. Oliver, who was advanced in years, was dragged to the Liberty Tree, and made to swear not to distribute. Not long since "he had been a favourite." On a report that the Governor was about to unpack the stamps, the mob became so threatening that Bernard thought it prudent to declare that he had no order and no authority to unpack the parcels, nor to allow anyone else to do so, and had only taken them to the Castle for safety—since, if they were destroyed, the province would be responsible for their full value.

The Commissioners and Distributors of Stamps in the other provinces were so terrified that they took the hint given to Mr. Meserve, and to a man resigned their appointments. Governors of provinces hastened to prorogue the legislative assemblies, afraid of what resolutions they might pass. That of Virginia had resolved that only the General Assembly of their State, with the King or his substitute, could lay taxes and impositions on the province, and that every attempt to vest this power in any other body is illegal, unconstitutional, and has a manifest tendency to destroy English as well as American liberty. And they were right. For liberty cannot be taken away from one people by another people without undermining the foundation of all liberty, which is the consent of the governed.

There were riots in many other places—in New York the mob took Lieutenant-Governor Colden's coach out of his stable, and carried it and his effigy about the city, finally burning the effigy, together with one of the devil. The house of Major Jones,

[1] Next morning, as Hutchinson's robes had been burnt, he sat in court in the undress he had on when the mob came, "with a borrowed greatcoat over it."

"reported a friend to the Stamp Act," was stripped, and everything burnt in a bonfire. At Philadelphia, as soon as the ships with the stamps appeared round Gloucester Point, all the vessels in harbour hoisted their flags half-mast high, the bells were muffled, and tolled till evening. Somebody spiked the guns of the battery, to make all safe; and thousands of citizens met at the State-House, and sent a deputation to Mr. Hughes, Stamp-master for Pennsylvania, demanding his resignation. Hughes, who was ill in bed, promised that no act of his should assist in carrying out the law, until it was accepted by the other colonies, but refused to resign. When the delegates returned with this reply, they could only prevent the assembly from instantly marching on Hughes' house by representing Hughes as dying.

On the 7th October, 1765, the delegates from Massachusetts Bay, Rhode Island, Connecticut, New Jersey, Pennsylvania, the Delaware counties, Maryland, and South Carolina, met in Congress at New York, and drew up resolutions and petitions to the King, to the Lords Spiritual and Temporal, and to the honourable the knights, citizens, and burgesses of Great Britain, in Parliament assembled.[1]

All these addresses were couched in respectful terms, but the gist of all was the same—they claimed the full privileges of Englishmen, and, above all, the right not to be taxed save with their own consent.

On September 25, Governor Bernard convened the General Assembly of Massachusetts Bay, and made a speech, in which he said that the Parliament of Westminster considered it had an indisputable right to make laws for the American colonies. The late outrages were not the way to get the Stamp Act repealed—better submit for the present, and try to persuade Parliament that the Act was inexpedient "at this time." Then he set before them the consequences of refusal to use the stamps. All unstamped papers would be null and void, with a £10 fine for each act of each person who signed, wrote, or engrossed such papers. Public business would be completely stopped, and public offices must be shut up, for no officer would incur such penalties as these—so far exceeding any possible gain. No man could sue another for a debt, or an injury. No ship could be unladen—for no clearances could be given for the cargo. So the ports must be shut. And what will become of the tradesmen, the fishermen, the seamen, who will be

[1] When the Commissioners from Boston waited on Lieutenant-Governor Colden, he told them that "such a Congress was unconstitutional, unprecedented, and unlawful, and he should give them no countenance."

thrown out of work when navigation has ceased? And do you think no rivals will spring up, and that you will be able to resume your maritime trade when you please? "Can the people of this province subsist without navigation, for any long time? This province appears to me to be upon the brink of a precipice!"[1]

The Assembly replied that the Act did not compel them to use the stamps, but only to pay certain monies if they did use them; and that his Excellency's love and concern for them led him to fear more for them than they did for themselves. After all, papers on matters relating to the Crown were exempt from stamp. The spirit which his Excellency had told them "attacks reputations and pulls down houses" would yet be curbed by the law. But they declined his Excellency's invitation to vote compensation to the persons injured, not being yet convinced that this would not encourage future outrages—and they gave a broad hint that some of those persons did not deserve compensation. And they reminded him how, at the ratification of Magna Charta, in the 37th year of Henry III, sentence of excommunication was pronounced against all who should make statutes, or observe them, contrary to the provisions of the Great Charter. Bernard, who had no adequate force behind him, was obliged to hear it all. A Government which means to enforce its laws and impose its taxes on a people at the other side of the world must keep a large standing army out there, ready for an emergency. There was no such army in America.

It would be interesting to know whose hand—whether Bute's, or Grenville's, or the King's—guided our American policy at this crisis; who was responsible for the manner in which even Governors of provinces and Judges were pressed into the service of the new Act, and made stamp-distributors. But perhaps this was only due to the extreme unpopularity of the stamps, which, by making all ordinary officers afraid to touch them, rendered it necessary to fall back upon the higher officials. That the colonists were determined could be seen from the first moment. They allowed no possible doubt of that; they instantly fastened upon anyone, no matter what his office, who in any degree allowed himself to appear as a "stamp-master," and by remonstrance, or, if that failed, by threats and riotous assemblages, they compelled him to resign his post, if he had already accepted it,

[1] Long before there were any disorders, Governor Bernard had been advising the repeal of the Charter. "It seems to me," he had said, "that the affairs of America are becoming very critical; that common expedients would soon begin to fail, and that a general reformation of the American Governments would become not only a desirable but a necessary measure.—*Governor Bernard to——, Esq.*, July 11, 1764.

or to make oath that he would never accept it if he were not yet appointed. From Governor Bernard downward, none dared persist in the attempt to distribute the stamps, and so many were destroyed, that by November 1 (the day appointed for the Act to become law) not a sheet of stamped paper was to be had in any of the six New England provinces, or in New Jersey, New York, Pennsylvania, Virginia, Maryland, or the two Carolinas—except that small parcel which Governor Colden had entrusted for safety to the Corporation of New York. Most of the would-be distributors had fled. Not a stamp was used for any purpose, except that of news-printing; and printers in Canada, where the Act was received, who used stamped paper, could find no sale for their news.

Amidst these commotions came the news of the fall of the Grenville Ministry. The bells were rung, and the effigies of the ex-Ministers were hanged on the Boston trees, and afterwards burnt in the bonfires.

CHAPTER VI

THE FALL OF THE GRENVILLE CABINET

"His Majesty, offended in the highest degree with the insolence offered him by his present Ministers, would have put any mortal in their places, that could have carried on business, if the three great personages above mentioned [the Duke of Cumberland, the Lord Chancellor and Lord Egmont] could have suggested to him any plan for that purpose. And they undoubtedly would have done it if they could; as there is no animal on the face of the earth that the Duke has a more thorough aversion to than Grenville."—*Stuart MacKenzie to Mr. Mitchell*, June 4, 1765.

THE King's illness was described by the Court newsman as a bad cold, and a pain in his chest. It was many years before the public knew that this was the first visitation of a terrible mental affliction, which returned more than once, and finally plunged in gloom the last years of his reign. This first attack was brief, and in his Speech from the Throne of April 24, he alluded to it as "not attended with danger." But it was the occasion of the Regency Bill, and the Regency Bill caused the fall of Grenville's Ministry. In the event of the King's demise during the minority of the Prince of Wales, who should be Regent of the Kingdom? Not the Princess Dowager! "The old stubble of the Princess Dowager and Bute" was set fire to once more. As the Bill was first drafted, it excluded the King's Mother even from the Council of Regency; but when it came down to the Commons, Bute's friends inserted the Princess's name, in spite of Ministers; and in the course of an angry discussion Grenville bluntly said he would agree to the amendment, "but he had supposed the omission would be universally acceptable." From this time the King resolved to get rid of him at whatever cost.

There was distress. Trade was very bad. The fact was that already both England and America were suffering severely from the measures which the promoters had declared would benefit both. In America, commerce was at a standstill. The merchants of New England held British goods to the amount of several millions sterling, but

they dared not sell, and their customers dared not buy. And the new law about specie made it utterly impossible for the Americans to pay their British creditors. The weavers said they were starving because so many French silks were worn since the Peace; but Opposition retorted that the true reason was the loss of the American market. The day the King went to give the Royal Assent to the Regency Bill "he was followed by an incredible number of Spitalfields weavers, with black flags, imploring his Majesty's gracious interposition on behalf of themselves and their wretched families." Next day, May 16, they assembled in Moorfields, and marched to St. James's. They had already insulted the Duke of Bedford, and the next night (after surrounding the Houses of Parliament) they began to pull down his house in Bloomsbury Square—shouting that the Duke had been bribed to make the Treaty of Fontainebleau, which brought French silks and poverty into the land. The crisis was very alarming, for there were riots in many places, and the sailors at Portsmouth had mutinied. It began to be said that only Mr. Pitt could set things straight. On the 16th, when Ministers went to take his Majesty's commands for the prorogation, the King said he would only have Parliament adjourned. They asked if he intended to make any change. He replied, "Certainly, for I cannot bear it as it is."

This time the Duke of Cumberland was sent to Hayes, to offer Pitt almost anything he chose to ask. Pitt said he was ready to go to St. James's "if he could carry the Constitution along with him." The first thing the King demanded was that Northumberland should be First Lord, and Pitt replied that he could not come in under Bute's lieutenant. So Cumberland advised the King to continue his present servants, and once more his Majesty was obliged to tell Mr. Greenville he must go on. Grenville thereupon dictated to his Sovereign the terms on which he would go on—his Majesty must give his royal word never more to consult Lord Bute, and must remove his lordship's brother, Mr. Stuart MacKenzie, from the Privy Seal of Scotland, and the administration of that kingdom. Moreover, the Marquis of Granby must be Captain-General of the Forces. Almost speechless with anger, the King told Grenville to come back for his answer at ten that night. But before that hour, he sent Lord Chancellor Northington to say he would remove MacKenzie—who had been with him in his closet, and had released his Majesty from any promises made to him. Next morning Grenville gave up Granby, but he still insisted on Bute, and gave the King a fortnight to consider of it.

Grenville knew from Jenkinson that the King saw Bute con-

stantly.[1] Negotiations with Pitt were resumed, and again fell through—it has never been known why, as the King appears at last to have yielded nearly everything. Somehow or other, Temple was the cause of the final breakdown. On Saturday, June 22, Pitt wrote to Temple that "things had advanced considerably," that he "augured much good." On Monday, negotiations were broken off by Temple.

It was manifestly impossible that the King's "present servants" could "continue." The Duke of Cumberland made another attempt to find somebody able to "carry on business." This time he went to Newcastle. Newcastle had been forty-five years in the Cabinet, and for thirty-two years had held high office. He had twice been Minister. When he resigned to make way for Bute, in 1762, Newcastle went out poorer than he came in. He was a very honest man, but he was never very wise, and in his old age his blunders and absence of mind furnished jests for the town. But he consented to join a new Ministry, and in a very few days a Cabinet was formed, with the Marquess of Rockingham as First Lord, General Conway and the Duke of Grafton Secretaries of State, and Newcastle Lord Privy Seal.

Charles Watson Wentworth, second Marquess of Rockingham, was descended from the sister of Thomas Wentworth, Earl of Strafford, whose great estates this branch inherited. Rockingham was one of the largest landowners in the kingdom. In politics he was a sound constitutional Whig of sterling honesty, zealous for the House of Hanover. He was perhaps the only politician of his time who had never coquetted with Leicester House, or corresponded with the party of prerogative. He was a man of good sense and firmness, but not of brilliant talents or fluent eloquence. He has been called a "speechless Minister," from the rareness with which he addressed the Lords. But when he did address them, it was always to the purpose. The unimpeachable integrity of his public and private character was respected even by his political enemies—he had no others. He differed from Pitt as to the right of Parliament, and there was, unhappily, a want of cordiality between them for which Pitt was chiefly to blame. Rockingham had long been a friend and patron of Edmund Burke, and now made him his private secretary. Burke's cousin, William, was private secretary to Conway.

[1] Jenkinson wrote to Grenville that the King and Bute wrote to each other constantly: "The King sends him a journal of all that passes every day, as minute as if your boy at school was directed by you to write his journal to you."—Letter of July, 1765.

CHAPTER VII

THE GREAT DEBATE

"The Opposition are for taking vigorous, as they call them, but I call them violent measures; not less than dragonades, and to have the tax collected by the troops we have there. For my part, I never saw a froward child mended by whipping; and I would not have the mother-country become a step-mother. Our trade to America brings in, 'communibus annis,' two millions a year, and the stamp duty is estimated at but one hundred thousand a year."—*Lord Chesterfield to his Son*, December, 1765.

"As it is, my resolution is taken; and if I can crawl, or be carried, I will deliver my heart and mind upon the state of America."—*Pitt to Mr. Thomas Nuthall*, Bath, Jan. 9, 1766.

"In a good cause, on a sound bottom, the force of this country can crush America to atoms. . . . But on this ground, on the Stamp Act, when so many here will think it a crying injustice, I am one who will lift up my hands against it. In such a cause, your success would be hazardous. America, if she fell, would fall like a strong man. She would embrace the pillars of the State, and pull down the constitution along with her."—*Speech of Mr. Pitt for the Repeal of the Stamp Act*, Jan. 14, 1766.

"The direful effects of that baneful oration will be but too visible in America. What a pity it is that the old gentleman who pronounced it had not been then better employed solacing his distempered joints with flannel, and cooling his overheated blood by a milk and water gruel diet."—"Astrea," in the *New Daily Advertiser* of Feb. 11, 1766.

"That one man, by whom we have been led captive for many years, at length has set us free. . . . In the space of a few days, and even of a speech of two hours, has he brought about this happy revolution. . . . The fall he has met with will, I trust, be a caution to others against treading in the same steps. . . . As the gentleman is now reduced to be but man, let his errors, his destructive errors, be forgotten, and let him be like a dead man, out of mind. I congratulate my country on this greatest victory which England has ever obtained: because without one drop of blood, or a single guinea, America is now truly ours."—"A. B.," in the *New Daily Advertiser* of Feb. 13, 1766.

IT was become absolutely necessary to do something about America. Our merchants were being ruined by being kept out of their money. The Americans said they could not pay, and our merchants confessed that the excuse was true. There was nothing between enforcing the Stamp Act by fire and sword, and repealing it. Repeal was violently opposed, a war of pamphlets was going on—

those who were for repeal maintaining that the Stamp Act would ruin Great Britain, while the other side declared that if the Colonies were not promptly crushed, they would invade this country, and reduce Englishmen to slavery![1]

It was not till the 10th of January, 1766, that the Lords began to consider the affairs of America. The King's Speech had been almost entirely upon America, but it contained nothing to allay the fears or the irritation of the Colonies. Orders to Governors and Commanders of forces, to suppress tumults; an appeal to both Houses to preserve their just rights and authority; a vague hint of "alterations in the commercial economy of the plantations," in the mutual interest of "my kingdoms and colonies"; and a concluding sentence about the "assertion of legal authority," did not promise as much conciliation as the new Ministry succeeded in carrying out.

Petitions poured in—almost every manufacturing town in the kingdom sent one. The petitions were all the same: decay of trade, owing to the new laws,—thousands of factory hands, seamen, and labourers, out of employment,—exports less, because the rice, indigo, tobacco, naval stores, oil, whale-fins, furs, potash, which we used to receive for export, do not come, and, our factories being at a standstill for raw material, we cannot manufacture for export. Even the agent for Jamaica sent up a petition, setting forth the ill consequences that had attended a Stamp Act there—and this American Act will be as bad, or worse. There were only two petitions from America—from the agents for Virginia and Georgia, and it was understood that this was because the rest were so disgusted at the disregard their petitions had met with last year.

The great debate took place that same day. It shows us the battle joined, and the two principles of government-by-force and government-by-consent arrayed against one another.

[1] "The frequent invectives published against the Americans, to provoke the nation to embrue its hands in their blood, can surely be of no advantage to this country. . . . And can it be thought such writings (which are unfortunately reprinted in all *their* papers) will induce them to bear it with greater patience? . . . The gentle terms of *republican race, mixed rabble of Scotch, Irish and foreign vagabonds, descendants of convicts, ungrateful rebels*, etc., are among those with which our colonists have of late been treated."—*Gentleman's Magazine*, 1765.

"The Americans imbibe Notions of Independance and Liberty with their very Milk, and will some Time or other shake off all subjection. If we yield to them by *repealing the Stamp Act*, it is all over: they will from that moment assert their freedom. Whereas if we enforce the Act, we may keep them in Dependance for some Years longer."—"Anti-Sejanus," in *The Public Advertiser*, Feb. 12, 1766.

The debate in the Lords resolved itself into a duel between Lord Chancellor Camden and Lord Chief-Justice Mansfield—once Mr. Attorney-General Murray, so long the object of Pitt's invective. It was even said he had asked for the Chief-Justiceship—so sacrificing his certain expectation of the Chancellorship—because he was in such haste to escape the terrible words and looks of Mr. Pitt, who had a way of suddenly turning upon the Attorney-General and fixing him with that eagle eye, while he dropped scathing hints about the days when Mr. Murray was more than suspected of fetching and carrying for the King over-the-water.

The debate was entirely upon the First Resolution of the "Report of the Committee of the Whole House, relative to the disturbances in America." This Resolution contained the famous "Statutory Declaration" of the right of Great Britain to make laws and statutes for America "in all cases whatever"—thus striking at the root of the distinction between external and internal taxation, and placing the provincial Representative Assemblies under the authority of the British Parliament.

The disbelievers in arbitrary right threw Mr. Locke, the Learned Selden, Harrington and Puffendorff at their opponents, who replied that these distinguished persons were only "natural lawyers," who knew no law, or cared nothing for it if they did. Lord Lyttelton said there could not be two rights existing at the same time—a right in the Government to make laws, and a right in the people to disobey them. Government "must rest somewhere," or there is an end of all government. He clearly laid down the principle of "inferior legislatures, with restrained powers, subject to the superior legislature," and categorically denied the contention of the colonists that the King alone could make a compact with them. Are the Colonies a part of the dominions of the Crown of Great Britain or not? If not, you have no jurisdiction—but then you make them independent communities. If they are, they are subjects of Great Britain, and if you allow them to refuse to pay taxes we shall have Englishmen refusing next.

Camden denied that he was admitting the independence of the Colonies, in saying there are things which a supreme legislature cannot do—it cannot take away private property without making compensation, or condemn a man by a Bill of Attainder without hearing him. The English clergy once denied the right of Parliament to tax them, and claimed the right to tax themselves. They have now dropped that right, but then they now elect their own representatives. The County Palatine of Lancaster taxed itself—no less a person than the great Lord Chancellor Hale admitted the

right. Guernsey, Jersey and the Isle of Man tax themselves. *So does Ireland.* And, my lords, even supposing the Americans have no exclusive right to tax themselves, I maintain it would be good policy to give it them.

Mansfield, in a very long and able speech, laid it down that the British Legislature "represents the whole British empire, and has authority to bind every part and every subject without the least distinction"; also that the colonists "are more emphatically subjects of Great Britain than those within the realm." Nor need there be representation. Representation arose "by the favour of the Crown." (Mansfield forgot how the Crown was persuaded to grant this favour.) The great Companies—the Bank, the East India and the South Sea Companies, have no representatives. He concluded his very learned speech by a minute description of the several Colonial Governments of North America.[1]

Ex-Chancellor Northington's speech sums up the chief arguments used by his side throughout the dispute with America: "Every government can arbitrarily impose laws on all its subjects." He reminded their lordships that the "Commonwealth Parliament" (he meant the Long Parliament) was very jealous of the Colonies separating themselves from us. But as for ancient history, I am content to go back no further than the Revolution—King William passed an Act declaring the power of the legislature over the Colonies. Several colonies have actually fought each other over differences—the cessation of our authority will result in endless feuds. Are you going to tell the twelve millions of Great Britain and Ireland that you prefer the colonists "who are got rich under their protection"? They are as much represented in Parliament as the great majority of the people of England are; for of nine millions of Englishmen, eight millions have no votes—but then every Member of Parliament represents not only his own borough, but also every other inhabitant of Great Britain and of the Colonies and Dominions of Great Britain. Taxation would be far heavier under their own government than under "our extreme lenity." My lords, what have these favourite Americans done? They have called a meeting of their States, and have passed Resolutions, by which, in my opinion, they have forfeited all their charters. My lords, the Colonies are become too big to be governed by the laws they at first set out with—it will be the policy of this country to form a plan of laws for them. If they withdraw allegiance, you must withdraw protection—and then "the little state of Genoa," or Sweden, may soon overrun them!

[1] See note at end of this chapter.

In the Commons it was a duel between Pitt and Grenville—the brothers-in-law, once so closely knit in friendship, now at open war. Pitt's speech is an epitome of his whole political career—it shows us the man in his weakness and his strength, his glaring inconsistencies, his flashes of inspiration. Since the British Parliament became the ruling power, three great magnetic personalities have dominated the politics of their time—Thomas Wentworth, William Pitt, and William Ewart Gladstone. Gladstone will be found to have left the deepest mark on our policy, but for the moment Pitt's influence was the most irresistible of all. He defied all rules. Deeply as he was concerned in party politics, he was never a party man. We shall understand him better if we realise that his political creed contained but two dogmas—a passionate care for the greatness of England, and a burning hatred of despotic power. Between these two great cardinal principles, he oscillated reckless of inconsistency. Even the masterful arrogance with which his enemies justly reproached him played a secondary part, compared with those two supreme considerations. His foibles, his affectations, his amazing changes of front, just as they were beginning to make him ridiculous, were suddenly consumed in the fire of his passion. That passion, once aroused, swept all before it. His oratory appalled the dilettante soul of Horace Walpole, and silenced his adversaries, if it could not convince them. It has been said that no reports of Pitt's speeches convey any idea of the overwhelming effect they produced when uttered. But even in the coldness of reported speech, some sentences still seem to palpitate like flames of fire.

With all his faults, Pitt remains a great man, a great statesman, a great Englishman, whose large and noble schemes soared as high above the petty hand-to-mouth policy of the Whig opportunists as they did above the reactionary schemes of Bute and the King. In those four years of his "great administration," as it was fondly called, he lifted England from humiliation and weakness to victory and empire. The glory of it belonged to him, for he it was who planned the expeditions which had such signal success. But he saw the suicidal folly of England's attempting to make herself a great military power. "Our natural strength is a maritime strength," he said, "as trade is our natural employment." Now, in the great crisis of his time, his voice rang out like a trumpet-call to rally Englishmen round the standard of Freedom.

"As he always began very low, and as everybody was in agitation at his first rising," his introduction was not heard, till he asked that the proposed Address might be read a second time.

And then he fell upon the Grenvillites. "As to the late Ministry," —and he turned to George Grenville, who sat within one of him— "every capital measure they have taken, has been entirely wrong!" He damned the new Ministry with faint praise, uttered the famous sentence about confidence being a plant of slow growth in an aged breast, and hinted that they were under "an over-ruling influence" —meaning Bute's. Then he vindicated himself—still glancing at "influence." He reminded the House that he was away ill when the resolution was taken to tax America—if he could have borne to have been carried in his bed, he would have got some kind hand to lay him down on the floor of that House, that he might testify against the tax. The only question of greater importance than this, was "the question debated a hundred years ago, whether you yourselves were to be bound or free." We have no right to tax the Colonies. Taxes are a voluntary gift of the Commons alone.[1] The distinction between legislation and taxation is essential to liberty. The idea of "virtual representation" of the Colonies does not deserve a serious refutation. "Is an American represented by any representative of a borough—which, perhaps, its own representative never saw?" And then, with one of his flashes of clairvoyance, he exclaimed, "This is what is called 'the rotten part of our constitution.' It cannot continue the century; if it does not drop, it must be amputated."

There was silence when he ceased. At last, Conway got up, and said a few words, and then Grenville rose. He censured the Ministry for losing time. The disturbances in America began in July—this is the middle of January, and nothing has been done. At first, they were only "occurrences," now they are grown to disturbances that seem to border on open rebellion; and "if the doctrine I have heard this day be confirmed, will soon be revolution." What is the difference between external and internal taxes? It is granted that this kingdom has the supreme legislative power over America, and taxation is part of the sovereign power. When I proposed the tax, I asked the House if any gentleman would object to this right—no man would attempt to deny it. Great Britain protects America, and America is bound to yield obedience. The nation has run itself into an immense debt to give them protection, and they refuse to contribute a small share of the expense. But "the seditious spirit of the colonies owes its birth to the factions in the House. Gentlemen are careless of the consequences of what they say, provided it answers the purposes of opposition. . . . Let us only hold out a little, they will say; our friends will soon be in

[1] In the days of our Plantagenet Kings they were called "benevolences."

power. Ungrateful people of America! . . You have given bounties on their lumber, their iron, their hemp . . . you have relaxed in their favour the Act of Navigation, that palladium of British commerce; and yet I have been abused in all the public papers as an enemy to the trade of America!"

When Grenville sat down, "Mr. Pitt seeming to rise," the House insisted on hearing him, and would not listen to Lord Strange's point of order. Pitt's second speech—he said it was only the end of the first—was stronger still. "I have been charged," he said, "with giving birth to sedition in America. . . . Freedom of speech has become their crime. Sorry I am to hear the liberty of speech in this House imputed as a crime, but it is a liberty I mean to exercise." And then he burst out, "The gentleman tells us, America is obstinate; America is almost in open rebellion. I rejoice that America has resisted. Three millions of people, so dead to all the feelings of liberty, as voluntarily to submit to be slaves, would have been fit instruments to make slaves of the rest." He said there were not wanting some, when he had the honour to serve his Majesty, to propose to him to burn his fingers with an American Stamp Act. And then he went off into an inconsistent declaration that "our legislative power over the colonies is sovereign and supreme," except in the matter of taxation; forgetting that authority ceases to be supreme the moment a people acquires the right to tax itself. But it was a great speech; its echoes lingered long in the people's memory, and England will cease to be England when it is forgotten. He ended: "I beg leave to tell the House what is really my opinion. It is that the Stamp Act be repealed absolutely, totally, and immediately. Let the reason assigned be, that the tax was founded on an erroneous principle. And then, insist as much as you like on your sovereign authority over the colonies, say that we may bind their trade, confine their manufactures, exercise any power whatever, except that of taking their money out of their pockets without their consent."

After Pitt, Nicholson Calvert rose. He said he had changed his mind—last year he voted for the Stamp Act, because he then thought nothing could be more fair than that America should pay for the force which was to protect her. But since then Mr. Pitt's arguments had sunk deep into his mind, especially as to the colonists having carried with them to America all the rights of Englishmen. "I saw the right honourable gentleman's reasoning founded on the broad basis of liberty." Two principles are set before us—the one, that in all free countries no one can be taxed

but by himself; the other, that in all countries in the world, there is some one supreme legislature. This House has resolved that Great Britain has this supreme power, and with it the right to tax her Colonies. But is it prudent to assert that right at this moment? And then he used words which now appear prophetic. "Sir, it has always been my opinion, to lay any taxes upon a numerous people, situated as the Americans are, without their consent, is impossible. It is a widely different thing, sir, the quelling a paltry riot in Moorfields, or Bloomsbury Square,[1] to that of making two millions of people, distributed from one corner of the American continent to the other—all unanimous in the opinion of right being on their side—submit to your decisions. It matters little to the question, whether they are in the right or not: they think themselves so. Can this be done by force? The thought of putting it to the trial, sir, strikes me with horror! Let us not, sir, drive them to despair; *the despair of a brave people always turns to courage.*"

NOTE.—Mansfield told the Lords there were three sorts of Colonies in America: King's Provinces, Proprietary Provinces, and Charter Provinces. The King's Provinces are governed by instructions sent to the Governors, who after some time are directed to call Assemblies, and they have the power to make bye-laws for interior government, etc. Pennsylvania and Maryland are Proprietary. Maryland was granted to Lord Baltimore to be held as the County of Durham—which, before it was represented in Parliament, had by Charter a subordinate power to make laws, so as the same were not contrary to those of England. Pennsylvania was granted to William Penn, and the Penns are "Proprietary Kings," and can raise money and make laws. "The Pennsylvanians are among the loudest of those who complain of the Stamp Act . . . they use the King of Great Britain as they do their own Proprietary King." Virginia, Connecticut, Rhode Island and Massachusetts are Charter Governments. "These are all on the same footing as our great corporations in London." And as the Charter of Massachusetts was "vacated in Chancery in Charles II's time for their abuse of it," Mansfield held that it was impossible to suppose the sole power of laying taxes could be in a legislature which our Courts of Chancery or King's Bench could destroy.—*Speech in the House of Lords*, Feb. 10, 1766.

[1] The allusion is to the Weavers' Demonstration, the day the Regency Bill received the Royal Assent.

CHAPTER VIII

FRANKLIN

"When the peace came, and I understood that we had got all America for ourselves, I thought it would be a grand thing for old England; and that our fellow-subjects in that part of the world would trade with us more exclusively than ever, and be ready to contribute more to the payment of our debts and taxes. . . . When I heard that they were mobbing the King's officers, and declaring openly that the Parliament of England had no right to tax them, I was as much astonished as if a field where I had sown barley should turn up peas. . . . It is a great encouragement for the Americans to rebel, when some of our great men at home tell them they are in the right, and the Parliament in the wrong. . . . These are rare times, indeed, Mr. Printer. If we were all of one mind, which common-sense and common honesty should make us to be, upon such an occasion as this, the Americans durst not rebel. . . . In my poor opinion, some of our great men do not believe in a future judgment, or else they would never act such a wicked part in this world."—John Ploughshare, in the *London Daily Chronicle*, Feb. 18–20, 1766.

"The Americans have been increasing in riches these thirty years; . . . they are become at our expense, and for which we are starving, proud, lordly, and ambitious. . . . When once they become independent, they will trade where, and with whom they please. Where then will be your trade? And how will you then get bread? . . . where will money be found to pay our taxes and the interest of our debt? . . . Shall those who have so lately made France and Spain tremble in every quarter of the globe . . . be afraid of chastising an American mob, a handful of rioters stimulated to rebellion by their lordly tyrants? Forbid it, Heaven! Shall we be eternally taxed even to the uttermost farthing for others? Would ye wish the Americans should lord it over you like the Egyptian task-masters?"—"A Short and Friendly Caution to the good People of England," quoted in the *Chronicle* of Feb. 25–27, 1766.

IN the interval between the 14th of January and the passing of the Bill in the Commons, petitions for repeal had been pouring in from the merchants of almost every great town in the Kingdom—London, Bristol, Lancaster, Liverpool, Hull, Glasgow, York; and Dr. Franklin had been examined before a Committee of the whole House. His examination is given in *Hansard*.

Asked if he did not know that the stamp money was to be spent in America, Franklin replied that it would be spent "in the

conquered colonies"—meaning Louisiana and Florida[1]—"where the soldiers are, not in the colonies that pay it." Asked if the balance of trade would not bring the money back to the old colonies, he replied that very little would come back. "I know of no trade to bring it back. I think it would come directly to England." He put the numbers of Quakers in Pennsylvania at about a third—out of a total white population of about 160,000, and the Germans at another third. Many of these Germans had seen service as soldiers, both in Europe and America. Asked if they were as much dissatisfied as the English, he replied, "More so, as, in many cases, their stamps would be double." He gave the male white population of North America at 300,000 from 16 to 60 years of age. He showed that the chief trade of Pennsylvania was with the West Indies, and the French, Spaniards, Danes, and Dutch, who traded in turn with Spain, Portugal, and Italy. Asked if it was not right that America should pay for our protection, he denied the fact, and said that in the late war the colonists raised, clothed, and paid 25,000 men, and spent as many millions. Asked if they were not reimbursed by Parliament, he said that only a very small part of the expense was covered by the sum voted.

When he was asked whether he thought the colonists would pay a moderated stamp duty, he replied, "No, never, unless compelled by force of arms." "What was the temper of America towards Great Britain before 1763?"—"The best in the world. They submitted willingly—they cost you nothing in forts, citadels, garrisons, or armies, to keep them in subjection. They were governed by this country at the expense of a little pen, ink, and paper. They were led by a thread. They had not only a respect, but an affection for Great Britain . . . even a fondness for its fashions . . . to be an Old-England man . . . gave a kind of rank among us."[2]

"And what is your temper now?"—"Oh, very much altered."[3]

"In what light did the people of America use to consider the

[1] Canada, Nova Scotia, and Florida had accepted the Stamp Act. "In Nova Scotia, they have burnt the Stamp Act, but use the Stamps."—*Gentleman's Magazine.*

[2] "I have lived many years in different provinces of North America, and never knew a native of that land disloyal: they affectionately doated upon their King, and prided themselves in their Country and home, as they called England."—"Pro Patria," *New Daily Advertiser*, Feb. 27, 1766.

[3] "National grievances are eternally liable to national resentments."—"Omega," in the *New Daily Advertiser*, March 2, 1766.

Parliament of Great Britain?"—"They considered the Parliament as the great bulwark and the security of their liberties and privileges. . . ."

"And have they not still the same respect for Parliament?"—"No; it is greatly lessened."

Asked if he thought the colonists would submit to any future tax, imposed on the same principle with that of the Stamp Act, he replied, "They would not pay it."

Asked if he thought they could possibly do without cloth from England, he said he believed, before their own clothes were worn out they would have new ones of their own making.

"Can they possibly find wool enough in North America?"—"They have taken steps to increase the wool. They entered into a general combination to eat no more lamb, and very few lambs were killed last year. This course will soon make a prodigious difference in the quantity of wool."

He added that great manufactories like those in England were not necessary—the people would spin for themselves, in their own houses.

Franklin further said that he thought the "resolutions of right" would give the colonists very little concern, IF THEY WERE NEVER PUT IN PRACTICE. He instanced Ireland, "where they know you claim the same right, but you never exercise it."

Towards the end, he seems to have made a speech. He told them that the Colonies would never yield, that they considered they had always shown themselves ready to contribute even above their abilities, and England had showed that she thought so too, by voting them a large sum in compensation.[1] He enumerated several expeditions in which they had assisted us—among others, that against Carthagena, in 1739.[2] Nor did they require help against the Indians. When they were but a handful they had defended themselves successfully. Now they were much stronger, while

[1] "Resolved: That it is the opinion of this committee, that it is just and reasonable that the several provinces and colonies of Massachusetts Bay, New Hampshire, Connecticut, and Rhode Island, be reimbursed the expenses they have been at in taking and securing to the crown of Great Britain, the island of Cape Breton and its dependencies."—*Committee of the House of Commons*, April 4, 1748.

[2] In the Seven Years' War, 9000 provincials marched from the northern districts on one expedition. Connecticut had 5000 under arms. Massachusetts raised 7000 militia, and taxed herself 13s. 4d. in the £ of personal income. In every year of the Seven Years' War, New Jersey spent £1 a head for each inhabitant. Pennsylvania alone spent about £500,000, and the whole reimbursements to the Colonies did not exceed £60,000.

the Indians were diminished. "They are very able to defend themselves."

Lastly, he was asked whether, if the Stamp Act were repealed, the colonists would erase from their records the resolutions against the right of Great Britain to tax them? And would they acknowledge that right? To which he replied, "No, never . . . they will never do it, unless compelled by force of arms."

CHAPTER IX

THE REPEAL OF THE STAMP ACT

"An event that caused more universal joy throughout the British dominions than perhaps any other that can be remembered."—*Burke in the "Annual Register,"* 1766.

"Happy, indeed, was the scene of this glorious morning (for at past one we divided), when the sun of liberty shone once more upon a country too long benighted."—*Pitt to Lady Chatham,* Feb. 22, past four, 1766.

"Joy to you, my dear love. The joy of thousands is yours, under Heaven, who has crowned your endeavours with such happy success."—*Lady Chatham to Pitt,* Feb. 22, 1766.

"The whole trading interest of this empire, crammed into your lobbies, with a trembling and anxious expectation, waited, almost to a winter's return of light, their fate from your resolution. When at length you had determined in their favour, and your doors thrown open showed them the figure of their deliverer . . . from the whole of that grave multitude there arose an involuntary burst of gratitude and transport. They jumped upon him like children on a long absent father. . . . All England, all America, joined in his applause. Nor did he seem insensible to the best of all earthly rewards, the love and admiration of his fellow-citizens. I stood near him: and his face, to use the expression of the Scripture of the first martyr, 'his face was as if it had been the face of an angel.'" —*Burke's Speech on American Taxation,* April 19, 1774.

THE Bill for the Repeal of the Stamp Act was moved in the House of Commons on Friday, February 21, by General Conway. "Mr. Pitt," says the *Gentleman's Magazine,* "went to the House upon crutches, which was the fullest ever known, and the subject before the House the most important." And the *Annual Register* notes that by eight in the morning, members began to take their seats "by pinning down a ticket with their names." There were 442 members present.

The Lobby was full of American merchants, and persons whose interests had suffered by the Stamp Act.

The Bill was passed after one o'clock on Saturday morning, by a majority of 275 to 161, and was carried up to the Lords "in a sort of tumultuous triumph" by more than two hundred members. Then they came out into the shouting streets. The great news had preceded them. When Pitt appeared, "all hats were in the

air," and a crowd accompanied his chair to his own door. When Grenville came out, he was greeted with a storm of hisses and curses. He lost his temper, and seized one man by the throat—for a moment it seemed as though there might be bloodshed. But the captive only said, "If I may not hiss, sir, I hope I may laugh," and laughed in the Gentle Shepherd's face.

As the news spread—and it spread like wild-fire—the bells of the city churches rang a joyful peal, and kept on all that day, the bells of St. Michael-upon-Cornhill finishing up at near midnight with "forty-five platoons." Shops and coffee-houses were illuminated, the King's health was drunk, and the American traders in the river got out the American colours, ready for celebrating the great day when the Bill should become law.

More than three thousand letters with the joyful news were despatched that Saturday night ("from the General Post Office in Lombard Street") by merchants to their correspondents in Great Britain and Ireland.

It was the same in Boston. When the news came, the bells were set ringing, the ships in the harbour displayed their colours, guns were fired from all the batteries, and in the evening there were bonfires. A day of general rejoicing was appointed, the morning of which was ushered in with music, ringing of bells, and discharge of cannon. Ships and houses displayed flags. At one in the afternoon, "the castle, and batteries, and train of artillery, discharged their ordnance, and at night the whole town was most beautifully illuminated. On the Common, a magnificent pyramid was erected, with 280 lamps (the number that voted for repeal),[1] the four upper rows being ornamented with the figures of their Majesties, and fourteen of the worthy patriots who distinguished themselves by their love of liberty."

At Philadelphia, the principal inhabitants gave a great entertainment to the Governor; and after the feast, they passed a resolution, that "to demonstrate our zeal to Great Britain, and our gratitude for the repeal of the Stamp Act, each of us will, on the 4th of June next, being the birthday of our Most Gracious Sovereign George III, dress ourselves in a new suit of the manufactures of ENGLAND, and give what HOMESPUN we have to the poor." And South Carolina sent money to England for a marble statue of Mr. Pitt.

Meanwhile, the Tory Press poured forth its venom, fiercely denouncing the Bill, representing the Colonies as grown rich and insolent, and dangerous to our very existence, unless we kept them well down; above all, abusing Mr. Pitt, who was freely called a

[1] The number is as given.

traitor. One of the worst of these "monsters," as someone calls them for trying to inflame the public, was the infamous "Anti-Sejanus," James Scott, Lord Sandwich's chaplain, who, while currying favour by sham attacks on "the Thane," [1] cried for the sword to silence American complaints.[2]

It was said by those who would rather not have seen it repealed at all, that, if the Stamp Act must be repealed, it should be done by a new Parliament, that the foolish spectacle might not be offered to the world of the same legislative assembly making and unmaking a law within a few months. But time pressed. In the state of trade, and of the people's temper, with a "Favourite" working in the dark on a young King's notions of "high prerogative," it was not safe to wait. A false step in politics can seldom be wholly retrieved, and the greater the error the more difficult and hazardous will be the reparation, even though reparation be the only way of escape. But the Court party were not idle. The pamphleteers were at their deadly work, inflaming the public against the colonists.[3]

His Majesty had said he would sooner see the devil come into his closet than Mr. Grenville; but a very few days after the great debate, Bute tried to bring him back. Temple angrily refused to see Bute, but Bedford and Grenville met the Favourite at Lord Eglington's. Pitt heard of the meeting, and in his speech on the Third Reading, taxed Grenville with it. Grenville replied that the conversation was only how to prevent repeal. Next, Rockingham was told that the King was against it—Lord Strange went about saying so. Rockingham put the question to his Majesty, who denied, though he refused to sign an opinion in favour of the Bill.

Rockingham refused to leave the presence until the King disavowed Strange in writing. Few thought that Ministers could go on.[4] On nearly the last day of February, Rockingham called Mr. Nuthall into his coach in Palace Yard, and charged him with a

[1] Bute.

[2] "Had this Ministry sent a couple of frigates to vapour about Boston, and ordered the like number to attend New York and Philadelphia, with directions to threaten, when the hired tumults began to show their airs, the Stamp Act had been long before now complied with."—"A Real Patriot," in the *New Daily Advertiser*, Feb. 14, 1766.

[3] "That seditious spirit, so apparent among these half Indians, must either be quelled or government must entirely cease in the disobedient provinces. That democratic madness, now so universal here, must either be weeded up, or we must soon expect to see the same weapon drawn upon Britain within this island."—"Astrea," in the *Gazetteer and New Daily Advertiser*, Feb. 11, 1766.

[4] Rockingham told the King that the officers of the Royal Household "acted like a corps."

message to Pitt, offering to meet him. Pitt replied, courteously declining a conference, unless his Majesty expressly commanded him. His Majesty was said to have put a stop to the plan; but it is curious that at this particular moment a rumour should have got about that Pitt would go into the House of Lords. Meanwhile it was noticed that the King treated with extreme coldness all who had voted for repeal.

The detested Cider Tax was also repealed, and the duties on houses and windows. An advantageous peace was concluded with Catherine II, the affair of the Canada Bills was settled, a little was even done towards settling the Manilla Ransom. And on the 23rd of April the House resolved "That a General Warrant to apprehend the author, printer, or publisher of a libel, is illegal; and if executed on the person of a member of this House, is also a breach of the privilege of this House."

CHAPTER X

THE MUTINY ACT

"If we look back into the history of this country, sir, we shall find, that whenever men of a particular cast of mind, known by the name of Tories, get any footing in the Government, violent measures ensue. If there are any such in the present Administration . . . let them recollect Sylla precipitated the Romans into liberty; Augustus, who best knew mankind, gently led them into slavery."—*Speech by Mr. Nicholson Calvert, in the Debate on the dismission of General Conway*, March 4, 1765.

"If care is taken that none shall be preferred to be judges, justices of the peace, assembly men, or even attornies, who will not make a previous solemn declaration of the supreme power of the British Parliament in America, the mischief-making monster Sedition will be banished from that country with the utmost expedition."—"Britannia," in the *New Daily Advertiser*, March 5, 1766.

"In the first place, gentlemen, you are to consider that a great empire, like a great cake, is most easily diminished at the edges. Turn your attention, therefore, first to your REMOTEST provinces: that, as you get rid of them, the rest may follow in order. . . . Take special care the provinces . . . do not enjoy the same common rights, the same privileges in commerce, and that they are governed by severer laws, all your making . . . you are to suppose them ALWAYS INCLINED TO REVOLT, and trust them accordingly. Quarter troops among them, who by their insolence may provoke the rising of mobs."—*Rules for reducing a Great Empire to a Small one* (Franklin).

IF there was never such joy as at the repeal of the Stamp Act, never was joy so premature. Repeal removed a symptom, but left the cause of the mischief untouched. Pitt appears as the greatest statesman of his time in nothing more than his far-seeing comprehension of the position which Colonies must hold, if they are to be permanently united with the Mother Country. His fierce opposition to the "Declaratory Act" was justified by the event. But even most of the repealers clung to the idea of a "supreme" Parliament, standing between the King and a number of little parliaments. They were incensed when the Colonial Houses of Representatives put themselves on an equality with the Parliament of Westminster, and claimed the same rights and privileges. They could not understand the demands of the colonists to be considered as so many English counties, which happened to be on the other

side of the world, and their representatives as on the same footing as the representatives of Devon or Yorkshire. The contention that the Assemblies were sister Parliaments seemed monstrous—the distinction they drew between being subject to the King or subject to the Parliament seemed hypocritical. The British Parliament claimed what it called "supremacy," and insisted on its right to meddle as much as it chose in the affairs of people who were its subjects. Against this view Pitt thundered in vain. It was said that any limitation of the power of Parliament was humiliating, and Opposition tried hard to make repeal conditional on the provincial legislatures erasing the resolutions they had passed against the Stamp Act. A large party in the Rockingham Cabinet was in favour of the "statutory declaration," which affirmed the absolute right of Parliament over the Colonies. On the 3rd of January, 1766, the right of Parliament to tax the Colonies was carried almost unanimously in spite of Pitt; and in the first flush of relief and thankfulness the colonists themselves took little note of it. But it was there, like a sting left in a wound, ready to set up fresh irritation on the first occasion. And the Mutiny Bill instantly furnished the occasion.

The Mutiny Bill was ostensibly an Act "for punishing mutiny and desertion, and for the better payment of the army and their quarters." It was really a Billetting Act, and was renewed yearly. Grenville, in passing the Stamp Act, was so well aware he would offend America, that the Mutiny Bill of 1765 at first contained a clause for the quartering of soldiers in private houses. So much pressure was put on Government by the Colonial Agents, that this clause was dropped; but another new clause was retained, which ordered the troops to be provided with quarters, firing, bedding, candles, small beer or rum, salt, vinegar, etc. This clause was identical in principle with the Stamp Act, and was introduced expressly to show our right to modify internal arrangements; but the colonists were in high good-humour at repeal, and as the Mutiny Act expired and was renewed every year, they resolved to obey only those provisions which were not new, and thus make compliance appear voluntary.

Even those who could not understand the opposition to the Stamp Act, might have realised the effect likely to be produced by a loosely worded demand for the support of troops not even limited as to number.[1] But no sooner had the Rockingham Ministry repealed the Stamp Act than it renewed the Mutiny Act, with the obnoxious clauses. Franklin had told the House of Commons

[1] It was, however, understood that the number would be about 10,000.

that he did not think the mere Declaration of the right of Parliament to impose internal taxes on America would do any harm, PROVIDED THE RIGHT WAS NEVER EXERCISED. The Mutiny Bill did exercise it; and before the grateful addresses on repeal from the Colonies could reach England, there was a new ferment—this time, in New York.

The New York Assembly refused to comply with the new clauses, and justified the refusal in an Address to the Governor. The Act was so carelessly drafted that the form of requisition was unconstitutional. It seemed to have meant originally only the furnishing of these things to soldiers on the march—now it was interpreted to mean the furnishing them for the whole year. Moreover, the number of troops was not specified. It would be a breach of the Assembly's most sacred trust if it loaded the people with burdens they were incapable of supporting—as interpreted by the Governor, the Act required that the troops should be quartered during the whole year in a very unusual and expensive manner. If, however, the Assembly received "a proper requisition from the Crown," it was ready to take a fair share with the other colonies, and find barracks, bedding, kitchen utensils, etc., for two battalions of five hundred men each, and one company of artillery, for one year—and to pay for this, there is the £3900 which General Amherst left in the Treasury, to be returned to the province. It added that it looked on this Act as virtually as much an Act for laying taxes on America as the Stamp Act itself.

Governor Moore replied that he was much concerned to find their sentiments so much differing from his own; and should send their Address to the Secretary of State, to be laid before his Majesty.

As was inevitable, there was friction between the people and the soldiers. In New York city the soldiers took to cutting down the "Liberty tree" on the Common, and as often as they did so the citizens turned out and set up another. In July, 1766, Major-General Gage[1] wrote that the 28th regiment, sent into Duchess County to quell "some dangerous riots," had been fired upon by the rioters. There had also been "skirmishes" in Albany County, a few killed and wounded on both sides, and a good many prisoners taken. A captain and fifty men had been left to guard the gaols, and the rest of the regiment had brought the ringleaders into New York. About the same time that this letter arrived came another from Governor Ward, of Rhode Island, full of joy and hope—"this

[1] Gage was a son of Lord Gage. He fought at Culloden, and received a medal from the Duke of Cumberland. He was with Braddock.

most happy occasion," "wise, upright, and benevolent measures" of the British Parliament; "joy, tranquillity and happiness" diffused thereby throughout the Colonies.

In Boston, the new Assembly was every whit as unsubmissive as the old one. It had a long wrangle with Bernard over the Compensation Bill. It charged Bernard with having interpreted his Majesty's recommendation to make up the losses in the riots, as "a requisition peremptory and authoritative." Compensation would be generosity, not justice,—it could only be made with the express consent of the constituents,—the matter must therefore be adjourned to the next sitting. The Governor replied that his Majesty seemed to be graciously pleased to throw a veil over the late disturbances, provided the Bostonians were all very good boys for the future; but the King and Parliament were quite determined the sufferers should be compensated—on the score of mere justice and humanity—and he talked about the blessings derived from SUBJECTION to Great Britain.

The Council changed the word to RELATION; and the Assembly, though it retained "subjection," took care to observe that "the CONNECTION with the Mother Country is founded on the principles of filial obedience, protection, and justice."

The Assembly was determined that compensation should appear as a voluntary act, but the British Government thought this was not for the dignity of Great Britain; so when application was made to the Lords of the Treasury for the money due to the colony by grant of Parliament, for services during the war, instead of making this an opportunity for renewing the old goodwill, their lordships replied that they meant to keep back the money till compensation was made to the sufferers in the late dangerous riots. Bernard wrote to Shelburne that the town wanted to make the province pay part of the compensation, but Boston ought to pay all, for the riots were generally abhorred by the best men in the province, and by much the greater part of the common people. At last, on December 6, the Compensation Bill passed, but it contained an indemnity clause for all offences committed during the agitation. New York also passed a Compensation Bill, but it described the sum as intended "for charitable purposes," and did not include compensation for Colden's chariot.[1]

Conway had been much blamed by George Grenville for the expression "forgive and forget,"[2] in his circular letter to his

[1] Colden claimed £195, 3s.

[2] "You would think it scarce possible, I imagine, that the paternal care of his Majesty for his colonies, or the lenity and indulgence of the parliament should

Majesty's Governors in America. Bernard, however, gave Massachusetts no chance of forgetting. Even in congratulating the Assembly on the repeal of the Stamp Act, he could not help sneering at "the borrowed mask of patriotic zeal," and lecturing them on "the late disgraceful scenes." And as soon as the Compensation Bill was through, he got into other wrangles, and a good deal of nagging went on. More serious questions arose—the Mutiny Act, and the question of the Council. Bernard was determined to have the Lieutenant-Governor on the Council; the Assembly, incensed at Hutchinson's support of the Stamp Act, were equally determined not to have him.

Few things in the history of this struggle are more tragic than the fate of Thomas Hutchinson. In any other times he would have left behind him one of the most respectable names in the history of Massachusetts. His great abilities, his tenacity of purpose, his strong common-sense, only served to blast his fame. As we read the diaries in which he opens his heart, we realise that to himself he appeared an honest man and a faithful servant. He was a man of education—even of culture, and his *History of Massachusetts* is a monument to his love for his country. Yet he turned the hearts of his countrymen from him, and he died in exile, broken-hearted, believing himself a victim to personal rancours and trivial interests, refusing to the last to recognise the great principles inspiring the contest in which he had been worsted.

Hutchinson and Oliver were now two of the most unpopular men in Massachusetts. Bernard resolved to have them both on the Council. On the 4th of February, a Committee of Assembly waited on the Governor to remonstrate on his action in ordering provision to be made for the artillery companies at the Castle. The originating, granting, and disposing of taxes was by the Charter the privilege of their House. His Excellency, by his order, had put it out of their power to testify, by an act of their own, the cheerfulness they had always shown in granting aids to his Majesty. Why was the matter not laid before them last session? Bernard replied that they passed the Compensation Bill with only six days of the session left, and then asked for a recess. And he had ordered an account to be made out of the expenses. This is all of what you call a breach of privilege.

go farther than I have already mentioned; yet so full of magnanimity are the sentiments of both . . . that they seem not only disposed to forgive but to forget. . . ."—*Mr. Secretary Conway's Circular Letter to his Majesty's Governors in America*, March 31, 1766.

On the 16th, by a large majority, the Assembly resolved that the Lieutenant-Governor, not being elected to the Council, had by the Charter no right to a seat on it, whether with or without a vote. They also sent a message to the Governor to ask whether provision had been made at the expense of the province for his Majesty's troops lately arrived, and by whom? And were any more expected? Bernard replied that provision had been made by a minute of Council, which he now laid before them, together with the account of the expense. He had received no advice of more troops—except by common rumour, to which he gave no credit.

By this time Bernard's relations with his legislature had degenerated into perpetual nagging. His messages betray the smothered irritation of a man who is being out-generalled, but resolves to yield with as bad a grace as possible.

Francis Bernard came of a good old Northamptonshire stock. He began as a lawyer, and settled in Lincoln, where he knew the Pownalls. His wife was a niece of Governor Shute of Massachusetts. Bernard had a large family to provide for, and when in 1756 Lord Barrington offered him a Colonial governorship, he accepted it. He succeeded his friend Thomas Pownall as Governor of New Jersey, Pownall going to Massachusetts. In New Jersey Bernard was thought a good governor, particularly kind to Quakers and Indians. In 1760 Pownall went to South Carolina, and Bernard became Governor of Massachusetts. He went very cheerfully, not knowing that his good days were over. Pownall had inclined to the popular side—and had left the people in a good temper. Bernard wrote, "I am assured I may depend upon a quiet and easy administration. I shall have no points of government to dispute about, no schemes of self-interest to pursue. The people are well-disposed to live upon good terms with the Governor." It was a sanguine expectation. The history of Massachusetts is little more than the history of the quarrels of the people with their governors. Ellis says that not one of the ten Royal Governors found it agreeable, "not one had a wholly placid administration, or escaped being complained of to the King, and probably not one ever gave it up without regretting he ever held it." But though Bernard early offended a powerful popular lawyer—James Otis—he had little trouble until the Stamp Act upset his peace for ever.

After this, he appears to have lost his head. It is piteous to see a man, not criminal in intention, apparently bent on blowing up a flame that may set fire to a whole continent. His indiscretion was appalling. When he could not pack his Council as he wished,

he openly lamented that the Crown officers had "dropped off" from the Council, instead of remaining *ex officio*, to support the Governor. Hutchinson was one of the most able men in New England. His great abilities as a financier had put Massachusetts on a better monetary footing than any other province of North America. But he was now more unpopular than Bernard himself. In vain did Bernard stoop to bargain with the electors—let in so many of my friends, and I will let in so many of yours. Certain of a majority, they refused to accept his candidates. Bernard refused to accept theirs, and wrote to tell Shelburne of their undutiful behaviour.

He did worse. He told Shelburne that he daily expected a rebellion, and that a fleet and army ought to be sent to take possession of Boston and New York. Such was the state of things, when news came that the King had disallowed the Compensation Bill, and that a new scheme was to be laid before Parliament for taxing the Colonies. Also that "their late great Patron had deserted their cause."[1]

[1] "A spirit of infatuation has taken possession of New York: their disobedience to the mutiny act will *justly* create a great ferment here, open a fair field to the arraigners of America, and leave no room to any to say a word in their defence." —*Chatham to Shelburne*, Bath, Feb. 3, 1767.

CHAPTER XI

THE PATCHWORK CABINET

"He made an administration so checkered and speckled, he put together a piece of joinery so crossly indented and whimsically dovetailed, a cabinet so variously inlaid, such a piece of diversified mosaic, such a tessalated pavement without cement—here a bit of black stone and there a bit of white, patriots and courtiers, king's friends and Republicans, Whigs and Tories, treacherous friends and open enemies—that it was, indeed, a very curious show, but utterly unsafe to touch and unsure to stand on. The colleagues whom he had assorted at the same boards, stared at each other, and were obliged to ask: 'Sir, your name?'—'Sir, you have the advantage of me.'—'Mr. Such-a-one.'—'I beg a thousand pardons.' I venture to say, it did so happen that persons had a single office divided between them who had never spoke to each other in their lives, until they found themselves, they knew not how, pigging together, heads and points, in the same truckle-bed."[1]—*Burke's Speech on American Taxation.*

THE Rockingham Administration lasted one year and twenty days. It was a remarkably disinterested Administration. The elevation of Chief Justice Pratt to the peerage as Baron Camden was almost the only promotion it made, and when it was dismissed it did not follow the usual custom of asking for pensions and honours. It asked nothing, and received nothing—for in that sphere, only he that asketh receiveth. It was thus nobody's business to praise it; but a little after its fall, Burke, in his *Short Account of a Short Administration*, thus summed up what it did for the country:—

"The distractions of the British empire were composed, by *The repeal of the Stamp-act*;

"But the constitutional superiority of Great Britain was preserved, by the *Act for securing the dependence of the Colonies.*

"Private houses were relieved from the jurisdiction of the Excise, by *The repeal of the Cyder-tax.*

"The personal liberty of the subject was confirmed, by *The resolution against General Warrants.*

"The lawful secrets of business and friendship were rendered inviolable, by *The resolution concerning the seizure of papers.*

[1] Lord North and Mr. George Cooke were Joint Paymasters-General.

"The trade of America was set free from injudicious and ruinous impositions, the African trade was preserved and extended, and an advantageous commercial treaty was made with Russia."

The King was deeply displeased at the Repeal of the Stamp Act. The Ministry was torn by dissensions. Towards the end of May, the Duke of Grafton suddenly resigned, on the plea that he would not serve in any administration of which Mr. Pitt did not form a part. The Quebec Bill was the last straw. Among the exploits of the Grenville Cabinet was the foolish Act which swept away the old French laws of Canada, and brought the new province to the verge of rebellion. Rockingham was for restoring the old laws, which the people understood. Chancellor Northington violently opposed this, and at last rudely refused to attend any more Councils.[1] He even went to the King, and told him the present Ministry could not go on.

In those days, the King could dismiss his Ministers, but the usual practice was to make them so uncomfortable that they entreated his Majesty's permission to resign. If, however, an obnoxious Minister showed no inclination to do this, his Majesty began privately to provide himself with new "servants"; and at such junctures he always became particularly gracious to his old ones. Rockingham told a friend that the King never showed him such distinguished kindness as after he had secretly determined to be rid of him.

At the beginning of July it was known that the King had sent for Mr. Pitt, and great was the joy. Pitt was very ill, and he no sooner arrived in London than he was prostrated by a fever; but on July 12 he had an audience of the King at Richmond.

Parliament had been prorogued once, twice, three times. Everyone knew that the Cabinet was being reconstructed. Then came the great surprise. On July 30, 1766, the whole country was electrified by the news that Rockingham was dismissed, the Duke of Grafton was First Lord of the Treasury, and Pitt—Pitt!—had accepted a peerage, and was gazetted as Viscount Pitt of Burton Pynsent, and Earl of Chatham!

No political event ever caused more astonishment, and few have caused more dismay. The town rang with it. Pitt's friends knew not what to think. His enemies lampooned him in prose and verse, and cried exultingly that now he would do no more mischief. He had lately had a great accession of fortune in the

[1] It was said that, hearing the Cabinet had met without him, he swore it should never meet again. For this he was loaded with pensions and sinecures.

bequest of Sir William Pynsent, an eccentric Somersetshire baronet, who never saw Pitt in his life, but left him his estate to mark his approval of Pitt's political conduct. Now a parody of "William and Helen" went the round of the Press, and Pynsent's ghost was made to come from the grave to denounce the renegade. Pitt was compared to the other "Great Commoner," who committed political suicide by becoming Earl of Bath. The banquet which was to have celebrated his return to office was countermanded; the lamps hung on the Monument, ready for the illumination of the City, were taken down. Lord Chesterfield wrote to his son that the joke here was that Mr. Pitt had had a fall *up* stairs, and was so much hurt he would never get over it. And he never did. The Earl of Chatham was as bold and outspoken as Mr. Pitt, but the spell was broken, henceforth he waved his magic wand in vain.

This great misfortune has always been more or less of a mystery —now important only because the fate of America was bound up with the fate of Pitt, and the Cabinet of Pitt's choosing was to deal our Colonial empire a blow more fatal than the Stamp Act itself.

Why did Pitt refuse to form a Cabinet in 1765? Why did he consent in 1766? His refusal was disastrous; his consent was more disastrous still. Why did he refuse to unite with Rockingham, and a year later accept the men he did? What was Temple's part in the miserable business? What was Bute's? What was the King's? The deeper we go into the memoirs and correspondence of the time, the less we understand. No sooner do we seem to find a clue, than we lose it again. In 1765, Pitt had refused to form a Cabinet unless the King would recall the great Whig families to his councils. Why did he depart from this safe policy in 1766? It sometimes seems as though Temple, with his rancours and his dark underground ways, were the fatal influence in Pitt's career; but the whole story, and even the character of Temple, is a mystery. Twice Temple appears at the last moment as the evil genius, the *diabolus ex machina*. It is possible that there exist letters which could supply the key to the enigma. Probably, if we knew with certainty the part that Temple played, the rest would become tolerably clear. Chesterfield wrote of the negotiations of 1765, "Mr. Pitt would have accepted, but not without Lord Temple's consent, and Lord Temple positively refused. There was evidently some trick in this, but what, is past my conjecture." Yet Chesterfield was steeped in all the political gossip of his day. That was a dark intrigue which he could not fathom. It is said that as they went away together from the last audience with the King, in June,

1765, Pitt addressed to Temple the words which Virgil puts into the mouth of Anna, after Dido's suicide—

> "Exstinxsti me teque, soror, populumque, patresque
> Sidonios, urbemque tuam."

In that same June of 1765 Burke (who did not love Pitt) wrote to Henry Flood: "You may be assured he has it now in his power to come into the service of his country upon any plan of politics he may choose to dictate, with great and honourable terms to himself and to every friend he has in the world, and with such a stretch of power as will be equal to everything but absolute despotism over the king and kingdom." He added: "A few days will show. . . . For his gout is worse than ever, but his pride may disable him worse than his gout." By the last words, Burke meant that Pitt's pride might prevent his uniting with Rockingham.

This was in 1765. In July, 1766, the negotiations ended abruptly in a sudden and furious quarrel between Pitt and Temple. For the time the breach was complete. Each of the brothers-in-law wrote or inspired an angry pamphlet against the other; but though an extreme rancour is evident, the position of neither Pitt nor Temple can be extracted with any clearness.

Pitt's acceptance of a peerage is another puzzle. Neither friend nor foe has ever explained it. He had the example of Pulteney to warn him. His sphere was pre-eminently the House of Commons; he had everything to lose by the exchange to the uncongenial atmosphere of the Lords—"the hospital for incurables," as Chesterfield called it. Over and over again in the past Pitt had shown a disinterestedness rare in any age, phenomenal in his own age. He threw up the great prize of the Paymastership (out of which Henry Fox carved a fortune) rather than be Bute's henchman.[1] The pension he accepted in 1761—which offended many of his friends—left him as fierce as ever in opposition. The title conferred at the same time upon his wife enabled him to hold up his head with the Grenvilles, had the wife of Pitt required any other distinction. But the one thing which comes out clearly from the family letters is the

[1] "When Pitt was appointed Paymaster, in 1746, it was customary for a sum of £100,000 to remain, by way of advance, in the Paymaster's hands. This money, in the time of his predecessors, was usually invested in government securities, and brought a considerable annual return, which was appropriated by the Paymaster to his private use. Aware of the mischiefs to which the practice had a direct tendency, Mr. Pitt uniformly deposited his balance in the Bank of England, without deriving the smallest emolument therefrom."—*Chatham Correspondence*, iii. 289, note.

affectionate attachment of the Grenville brothers to Pitt—even with George this feeling survived all political quarrels.

But it is most probable that Pitt's gout was more fatal than his pride—was the ultimate cause of his showing himself so impracticable. He had been a martyr to this painful malady ever since he was sixteen. At the end of 1764 it became much worse—for a year he was never able to attend the House. Then came the wonderful rally, when he was the soul of the movement for repeal. But immediately afterwards he fell ill again, and with great difficulty obeyed the King's summons in July. All we know of his temper at that crisis points to the uncontrollable irritation of a man suffering from gout more or less suppressed. If he had been himself, he would never have consented to work with such a Noah's Ark as the Grafton Cabinet. Even the peerage is partly accounted for, by supposing that he no longer felt able to cope with the strenuous conflicts in the Commons.

But this cannot have been all. There was another cause, and that was the persistent attempt of George III to shift power from the Commons to the King in Council. With the Ministry reduced to a Council of State, appointed by the King, responsible only to the King, the government of Great Britain would have resembled that of France before the Great Revolution. The King told Pitt he wanted to get rid of party government—"connection," as it was then called—and choose his Ministers irrespective of their being Whig or Tory. He meant that he wanted to do away with Opposition. By destroying the influence of the great Whig families, he could ensure a Parliament permanently packed in the interest of the Crown. He wanted a free choice, untrammelled by the claims of the Whigs, that he might pack his Cabinet with "King's friends." Failing in this, he tried to govern by means of the "double Cabinet"—the Cabinet within the Cabinet, the little clique of "King's friends" behind the Ministry. Bute got the idea of this from Baty, who told him that "official men ought never to be trusted with information of any measure till it was given them to execute." And the King succeeded. We find one Minister after another complaining that he has not his Majesty's confidence, and none more loudly than Grenville, once Bute's "dear George." The "opaque shadow" of Bute falls over every Cabinet of the first ten years of George III. In those ten years, there were five Administrations, till foreign Powers said the changes were so frequent, that they no longer knew with whom they were negotiating.[1]

[1] "Five ministers had kept in for just 14 months each, from 'kissing in to kicking out.'"—TREVELYAN.

At last, in Lord North, the King found a Minister after his own heart—a pliant tool, with no policy but to do his master's will. The North Administration lasted twelve years!

Party government has its evils, but the alternative is a worse evil. We owe our liberties to the constant presence of a watchful Opposition. The best Government in the world will not long remain good, if it is not kept up to the mark by wholesome fear of Opposition; a bad Government, unrestrained by that fear, will set no limit to its attacks on liberty. It is nearly always the case that men who say they are of no party are passively, at least, in favour of the party which is against the party of the people.

It is certain that at the time we are considering Bute's influence was secretly very active. It is uncertain when that influence ceased—after the death of the Princess Dowager in 1772 we hear very little of it; but North was then in power, and the King no longer needed Bute in his intrigues against recalcitrant Ministers. It is certain that Bute was in constant communication with the King, long after George had professed he "never saw Lord Bute," and Bute that he "had not seen the King for many years." That a coldness did at last arise, seems to be proved by the King's anger with that indiscreet person, his aunt, Princess Amelia, who tried to bring about a meeting between him and Bute. Meanwhile, for many years the cry of "influence" was to be used with fatal effect, tossed from one side to the other, instilling a feeling of universal treachery, casting the cold shade of doubt even over honest men. It was the stock accusation. No sooner was the Rockingham Ministry in power, than the Grenvillites—many of whom had sat in Bute's Cabinet—denounced it for having come to terms with "the Favourite." And though the charge was preposterous, the long delay in summoning Parliament, at a time when every ship from America brought worse and worse news, can only be accounted for by supposing that some secret influence was at work to prevent the repeal of the Stamp Act. But it matters little when Bute ceased to meddle. The mischief was done, the lesson learnt. The pupil was one who never forgot. The evil genius of George III was the Earl of Bute; and, with all his virtues, George III was the political evil genius of his generation.

It is hard to forgive Pitt for the Patchwork Cabinet. To have refused so obstinately to work with Rockingham, and then to choose that grotesque menagerie, not even made coherent by loyalty to himself! To refuse his "confidence" to Rockingham, and give it to Townshend! He believed, no doubt, that he could bend them all to his will, and that it mattered little who composed

the crew as long as he steered the ship. But his failing hand was soon to let go the helm, and Townshend was to snatch it and steer the ship on the rocks.

It seemed as though the new Cabinet would never be arranged. Chatham was in a strangely overwrought state. It was said—probably with considerable exaggeration—that he offered the great offices as a man would fling a bone to a dog. Several gentlemen declined in a huff. And now, at last, he condescended to call on Rockingham, who, with unwonted spirit, sent word "he was out." It must have required considerably more courage to deny himself to the "late Great Commoner" than to repeal the Stamp Act.

On the plea that his health would not allow his regular attendance in Parliament, Chatham took the Privy Seal himself, and made Grafton[1] the nominal head of the Cabinet. Grafton is chiefly remembered for what Junius said about him. He called Grafton "a young nobleman already ruined at play," and savagely flung at him his horse-racing, his divorced duchess, his mistress, Mrs. Nancy Parsons—even the bar sinister on his escutcheon. Grafton was, however, not the unmitigated scoundrel Junius called him—nor was he a fool. He was an enlightened and cultivated man. But he was vacillating, and no doubt his devotion to Chatham was his recommendation. He voted for repeal, and was a strong Pittite—had declared he would never form part of any administration which did not include Pitt. But he also voted for the fatal "declaratory clause," and his resignation had been the first sign of the approaching dissolution of the Rockingham Cabinet. Chancellor Northington—who had actually brought down the House on Rockingham's ears—was President of the Council. There were only two men of conspicuous ability in Chatham's Cabinet—Charles Townshend and Lord North. Townshend had no principles at all. North, an amiable and worthy man, of clear intellect but feeble will, was already drifting towards the Tories, though nature had made him a Whig. Charles Townshend was given twenty-four hours to make up his mind whether he would exchange the £7000 a year (and perquisites) of the Paymastership for the beggarly £2500 paid to a Chancellor of the Exchequer. Finally, he accepted, and the fate of America was sealed. North shared the Paymastership with Mr. George Cooke—"pigging together, heads and points, in the same truckle-bed." So was completed the famous Patchwork Cabinet, of which Burke said that it was a very curious show, but utterly unsafe to touch—

[1] "He became minister by accident."—JUNIUS, Jan. 21, 1769.

"patriots and courtiers, king's friends and Republicans, Whigs and Tories, treacherous friends and open enemies."

There can be little doubt that the King hoped to make a tool of Pitt, and that as long as he saw a chance of this he flattered and humoured the great Minister who alone could make "affairs go on." As soon as he found that Chatham was as unmalleable as Pitt had been, he hated him. Pitt had a very keen eye for the machinations of Bute, but it is not so sure that he saw through the King's ultimate design. Consciously or unconsciously, George III outwitted him. He led him on to accept a position which placed him at a fatal disadvantage, so that, like Samson, he became weak and as other men. He broke his bonds, indeed, but to little avail—the Philistines feared him no more.

It was obvious from the first that the Patchwork Cabinet would not work. Before the month of August was over cabals were formed against Chatham. Charles Townshend, coming home with Grafton from the first Council, exclaimed, "What inferior animals he made us all appear!" But before long Charles was trying to supplant his chief. Chatham was taken with an attack of gout in the night of the 24th of August, and, even when it passed off, dreadful nights of fever and constant pain so shook his nerves that he ceased to attend Councils, urgent as was the need for his presence.

That summer of 1766 was the wettest ever known in England—from March to August not two fine days successively; a May so cold and unkind, with such violent storms and heavy rain, that a most promising crop turned out light in the ear, smutty, much blighted, and terribly choked with weeds. Bread went up, provisions were dear. Soon there were bread riots. The people seized the bags of wheat in the market-places, and compelled the farmers to sell at five shillings the bushel. Early in September, a proclamation was issued against "forestallers, regrators and engrossers of corn"; and the price of wheat still rising—being caused by a real scarcity in other countries as well as our own—on the 26th another proclamation totally prohibited the exportation of grain, and brewers were forbidden to use wheat in distilling. From this time forth we hear no more about the great prosperity of the country.

The "Embargo" was the work of Chatham and the King. Chatham was too ill to attend the Council which decided on it, and immediately afterwards he left town for Bath, where it was two or three weeks before he could take a pen in his hand to sketch out the King's Speech. The Cabinet he left behind fell at

once into chaos. There was a great stir over the Embargo—not that anybody denied the necessity of the measure, but that it was done without consent of Parliament. The law required that corn must reach a certain price before there could be an embargo, and even then there must be a special Act. It was said that the King had set a precedent for dispensing with the laws, and that to destroy this precedent there must be an Act to indemnify those who had carried the Embargo into execution.

Parliament met on the 11th of November, and both Houses began at once on the Embargo. The curious thing was that now the parts were reversed—it was Lord Chatham who said that the greatness of the emergency justified a stretch of the Constitution; while the party which was soon to suspend the Assembly of New York for insisting on its consent to a certain measure being asked before it would submit to that measure, were all up in arms at the idea of a Dispensing Prerogative; and contended that Parliament ought to have been called together on the 16th of September,[1] for one day,—then the Embargo could have been legally enacted, instead of illegally, at a Privy Council, ten days later. These gentlemen were greatly incensed at two unfortunate remarks, one made in each House. In the Commons, Alderman Beckford, in his haste to defend Lord Chatham, said, "Whenever the public is in danger, the King has a dispensing power." These words were ordered to be taken down, after which the "wild Alderman" was formally admitted to explain himself, and the House at last declared itself satisfied. Lord Camden, in the Lords, made a still worse blunder, he said "it was but forty days' tyranny at the outside." Never did Chancellor receive such a wigging. Lest the dressing he got in the House should not be enough, the arguments used against him were thrown together in a long pseudo-speech, which everybody read.

Chatham's first speech in the House of Lords was made on November 11. After a few words about his own feelings, on speaking for the first time in an unaccustomed place, "before the most knowing in the laws, in the presence of the hereditary legislators of the realm," and remembering that the throne had just been "filled by majesty," he began to justify the proclamation of the Embargo during the recess of Parliament; but the best he could do was to ridicule the idea of summoning Parliament for one day—putting members to the great inconvenience of being obliged to get on their horses and ride post to London, when their presence on their estates was urgently needed to keep order; and he quoted Mr. Locke to show that a thing may be right, though not strictly

[1] The day to which it had been prorogued.

legal. It was clever and adroit, but it was a great descent from the speeches for the repeal of the Stamp Act.

The next untoward incident was freely attributed to Chatham's desire for an Administration of nonentities, wherein he could reign supreme. Lord Edgcumbe, a respectable elderly nobleman, who had steadily supported the Whigs for the last four years, was requested to resign his office of Treasurer to the Household, that it might be given to Sir John Shelley, a relation of Newcastle's. The reason was no doubt to propitiate the Newcastle faction, and strengthen administration. Conway remonstrated in vain, imploring his great chief not to put this affront on a man of Edgcumbe's character. Chatham, at a stormy interview, told Edgcumbe that he "despised his parliamentary interest, and did not want his assistance, and dare look in the face the proudest connections of this country!" So they parted; the King commanded Edgcumbe to resign, and next day the Duke of Portland, the Earls of Besborough and Scarborough, all holding places in the Household, Lord Monson, one of the Chief Justices in Eyre, and Sir Charles Saunders, First Lord of the Admiralty, resigned too, and a few days later, Admiral Keppel and Sir William Meredith, two Junior Lords, followed their example.

There was the utmost difficulty in filling up these gaps. A negotiation with Bedford failed. Chesterfield wrote: "No mortal can comprehend the present state of affairs. . . . People wait to see who Lord Chatham will take in, for some he must have; even he cannot be alone, *contra mundum*. Such a state of affairs, to be sure, was never seen before, in this or any other country. When this ministry shall be settled, it will be the sixth in six years time." (Letter of December 9.) At last it was settled—Chatham "took in" some of Newcastle's friends, and some of Bute's—among these latter was Jenkinson. To a number of implacable personal enmities, Chatham now added a serious increase of unpopularity. The caricaturists hastened to depict him as Bute's creature—we see Bute's hand pulling the wires which move the puppets of the Cabinet—and Chatham is there among them. Or they are enclosed in Bute's plaid waistcoat, while the Favourite himself stands by, brandishing a birch-rod over their heads; or Bute is Samson, pulling down the house of the Constitution; or he bestrides the way as the Colossus of Rhodes, while Chatham, propped on his crutch, looks up with hands raised in adoration. And it was reported that Bute had said Chatham was a fool, for he had done enough to lose the people, but not enough to gain the Court.

On the 10th of December, when the Indemnity Bill came up

from the Commons, there was another long and stubborn debate. Chatham repeated the words he had said to Edgcumbe, declaring that he meant to "destroy faction, and that he could look the proudest connection in the face." And the Duke of Richmond showed that he could look the proudest of English Ministers in the face, for he entreated the Lords not to let the aristocracy be browbeaten by an insolent Minister. To this had Chatham come by that fall upstairs!

The Indemnity Bill received the Royal Assent on the 16th of December, and Parliament was prorogued the same day. It was virtually the end of Chatham's Ministry. He returned to Bath—having put his enemies in power, he left them to their own devices. As soon as he was gone, there was once more chaos in the Cabinet. Once, at least, a Council "broke up in confusion." Charles Townshend began to take the airs of a Prime Minister. Grafton and Shelburne wrote imploring Chatham to come back. It was no time to withdraw himself—there was fresh trouble in America, and there were the affairs of the East India Company to be looked into. On both these great questions every principle of Chatham's policy was presently to be reversed.

But he was now too ill to travel. Early in January he had so severe a fit of the gout that his life was in danger. Nor till the end of the month was he able to use a pen, and then he could only urge his supporters to put off the Company's affairs, if but for a fortnight.

CHAPTER XII

THE EAST INDIA COMPANY

"He said the Company were not proper to have it, nor the Crown, for such a revenue would endanger our liberties."—*Mr. Walsh to Lord Clive, giving an account of his interview with Mr. Pitt, in* 1759.

"Believe the word of a Director, that the Company must have many lacs, before they can increase the dividend. Consider, my lord, what a vast sum of their capital has been locked up without interest in Mahommed Ali's debt, the vast fortifications, the fatal Manilla expedition, and the sums locked up in the support of French prisoners, for which no instalments are yet settled; all form prodigious reductions, which a year's revenue of the whole province of Bengal will barely replace; not to mention the dreadful breach in the Company's capital before the battle of Plassey."—*The Duke of Grafton to Lord Clive,* May 17, 1766.

"There is good reason to believe the treaties concluded in Bengal by Lord Clive, will be productive of a clear yearly revenue of two millions sterling. An object of this importance would, in a few years, ease this country of the burden it labours under; and therefore our whole wills should be set to make this revenue as durable as possible. All other speculations should give way to this consideration of permanency; even the existence of the India Company."—*The Hon. Thomas Walpole to the Earl of Chatham,* Sept. 9, 1766.

A NEW factor was now to be introduced—destined to bring about the final catastrophe in the Colonies.

Our chief gains by the Seven Years' War were undoubtedly Canada and Bengal. But ever since the troubles in America had begun, the supporters of the Stamp Act had been saying that the conquest of Canada had done the mischief, by leaving the colonists no enemy to fear. Hence their insolence! And now it seemed as though we were to pay for our cake in Bengal.

The East India Company's Charter would expire in 1780, and circumstances had drawn the attention of Government to the Company in a way which boded ill for its renewal. As long ago as 1759, Clive had told Pitt that so large a sovereignty was too extensive for a mercantile company. None knew better than Clive how extensive that sovereignty was, and into what extraordinary situations it had already brought the Company. When,

the day after Plassey, Surajah Dowla was deposed, and Mir Jaffier set up in his master's room, the first of those transactions took place which the Council at Calcutta came to love so much—the selling the Subahdarship—or, as they called it, the Nabobship—to a new Nabob. The Company demanded 10,000,000 rupees as compensation for losses in the war, to be divided among the English, native, and Armenian inhabitants of Calcutta. Of this Clive was to have 280,000 rupees as a member of the Select Committee, 200,000 rupees as Commander-in-Chief, and 1,600,000 rupees as a "private donation." The whole sum claimed—including gratifications to the fleet and army—amounted to £2,697,750 sterling; but this was too much, even for India; the hungry got only the half of what was promised them, and one-third of that had to be taken out in plate and jewels—for there was no coin or bullion left in Bengal. At the same time, the landowners' right over the Twenty-four Parganás was granted to the Company, whereby it acquired the Zemindarí, or right to collect the rents. But in 1759, the Emperor of Delhi—nominal suzerain of the Subahdar of Bengal—granted the overlordship (the Dewanee, or right to the land-tax) to Colonel Clive, who thus became the landlord of his own masters! Moreover, he was enrolled among the Moghul nobles, and received a large allotment of land near Calcutta, which for many years to come appears in the Company's records as "Lord Clive's jaghir." His claim to be the Company's feudal suzerain was tried in England in 1764, with the result that the jaghir was confirmed to him for ten years—then to revert to the Company for ever.

Clive was kept at home in 1764 to fight the Company's battles in England—or rather, the battles of the Directors, for the Proprietors were growing troublesome. He exercised enormous influence over elections from 1760 to 1765, but though he bought many Members of Parliament for the Company, he refrained from buying an English peerage for himself, liking to think that his distinctions had been freely bestowed on him. But he was wanted in Bengal. Very soon after he left, Mir Jaffier had been cast down by the Company's servants, and his son-in-law, Mir Kasim, set up; and this time the Company got the three districts of Bardwan, Midnapur, and Chittagong, with a net revenue of half a million sterling—besides more "private donations." Presently Mir Kasim began to show a will of his own, insisting on his treaty right to exact equal dues from all traders, English and Indian alike. Mr. Vansittart, Governor of Bengal, could not deny the right; but the "English Factory" at Calcutta was

furious, and the Council (some of whom were heads of factories) disowned the Governor and his treaty, and as Mir Kasim was obstinate, they proclaimed Mir Jaffier once more, and sent an army against Kasim.

The campaign was short. In four months Major Adams had conquered Bengal, and Kasim was a fugitive, his courage and capacity forgotten in the horror of the massacre of Patna. The flames spread. Surajah Dowla, Nabob of Oudh, took the field, the son of the Mogul Emperor joined him, and, notwithstanding Munro's victory at Buxar, things began to look very black for the Company. Clive was the only man who could save it, here or there; on April 10, 1765, he reached Madras, and a week later wrote home to the Directors that to-morrow the whole Mogul Empire might be theirs.

Now, at the beginning of 1767, the situation was this. Clive was on his voyage home, having saved the Company from utter ruin, defeated a dangerous conspiracy among the officers of its own army, and to some extent cleansed the Augean stable of its Civil Service, by abolishing those "private donations" which he himself had found so profitable. He was being fiercely attacked by Mr. Johnstone, a very able and unscrupulous ex-civil-servant, who, with other malcontents, had bought East India Stock the better to wreak their vengeance on the man who had spoiled their game. Behind Johnstone was a strong party of Directors, led by Lawrence Sulivan, a former Chairman, who for several years had ruled the Company absolutely; and behind all, the great body of the Proprietors, who were simply Stock-holders, and for the most part neither knew nor cared about anything East Indian, except the East India Dividend. They were demanding a thorough overhauling of the Charter, and they were against these conquests, which they said rather diminished trade than otherwise, and absorbed money which had much better go to increase the Dividend. On the other side was Boulton, the present, and Rous,[1] a former Chairman, with the bulk of the Court of Directors, and all the influence Clive could bring to bear in Parliament. Their object was to get their Charter renewed, before their new Empire was snatched from them. For this they knew they must pay, but they were doing all they could to pay as little as possible.

[1] "Indeed, Rous, though a very honest man, is the most unfit of all living men to preside and govern a Court of Directors. I am now convinced a man of lighter principles, with more abilities, and a certain degree of resolution, will manage both private and public concerns to more advantage than Mr. Rous." —*Lord Clive to Mr. Fowke*, September 25, 1766.

The public at large took no active interest in East India affairs, till the Company and the Proprietors began to quarrel over the spoils of the new Empire. The holders of Stock were determined to have their share of the booty, in the shape of a higher dividend—perhaps also in the shape of a division of surplus. They were getting tired of seeing the Company's servants come home as Nabobs, while the poor Proprietors of India Stock got only a beggarly six per cent. The Directors explained that they must pay their debts first, and talked of the awful warning of the South Sea Bubble. The Proprietors indignantly replied that the South Sea affair never was anything but a bubble, whereas the East India Company's money-bags were bursting with the riches of Bengal. In a style worthy of a Chancellor of the Exchequer, they said that, of course, there were debts—debts must always be—but what of that? A debt was a very good thing—the Company's creditors dreaded nothing so much as being paid off, and so losing a capital investment. Was not the Dutch East India Company paying twenty per cent., though its revenues were not to be compared with those of the British? The quarrel ran high, and got into the papers, and pamphlets were written on both sides, till everybody knew all the Company's business—its Charters, its wars, its intrigues with the Princes of India, the "revolutions" it got up, and the kingdoms it sold; its quarrels with its servants, and their gigantic peculations, and the snug arrangements that went on at its Select Committees, and the dissensions in the Council of Calcutta. Above all, everybody knew its enormous revenues—£2,000,000 a year clear, *owned to*, when the whole revenue of Great Britain was less than nine! East India Stock quoted at 254, and still going up! Everybody also knew its debts and embarrassments, its unpaid contracts—£2,728,552 spent on fortifications alone—and its mal-administration in Bengal.[1]

It began to be rumoured that Government intended to interfere, to preserve the revenues of the Company for the benefit of *this* country, and the Company itself from ruin. Both reasons were

[1] The Company had its own army in India, and its own crimps in England, who inveigled young men into enlisting, sometimes on pretence of engaging servants. See a story of a man throwing himself out of one of their "lock-up-houses" in Chancery Lane, *Gentleman's Magazine* for 1767, pp. 91 and 93. The same volume contains an extraordinary proposal to exchange the East Indies for the West, with the Dutch East India Company, a meridian drawn through the Solomon Islands to divide East from West. The reason given is that the East India Company drains this country of £800,000 a year in specie.

alleged, and both were true—the Government and the country alternately hoped to live henceforth in good old Roman fashion on the tribute of the conquered province—and feared being ruined by it.

The Directors called a General Court in a great hurry; but before it could meet, they received notice from the First Lord of the Treasury to get their papers ready to lay before Parliament. Government saw in the misfortunes of the Company an opportunity to get hold of the Company's conquests. At the worst, they must be made to pay well for a new Charter.

The Directors, in a terrible fright, began to explain that though they might be very rich in Bengal, they were very poor in England. Their remittances were stopped to pay the expenses of administration. They pleaded their poverty, their debts, and their expensive wars so effectually that India Stock fell, and the infuriated Proprietors cried that the Directors were running down Stock for their own interests, regardless of those of the poor Proprietors, whose riches were "very inconsiderable"—it was only the servants of the Company who made the enormous fortunes!

As soon as the dreadful suggestion was made that perhaps the revenues of Bengal belonged of right to the Crown, and the Company was incapable of territorial rights, the gentlemen of England saw a chance of being rid for ever of the abhorred land-tax. Chatham was clear that the Company had no territorial rights, and another member of the Cabinet was even keener than Chatham—Charles Townshend, brilliant, rollicking, irresponsible Charles, the spoiled child of the House, "the weathercock," whom caricaturists drew with a whirligig in his hand, or as a Jack-o'-both-sides on a see-saw. This charming and dangerous man would plunge every now and then into a serious study, and get up a prodigious mass of details on trade. He had even been President of the Board of Trade. A man of family, he had many of the qualities of an adventurer. Well had it been for his country if he had been content to make "champagne" speeches, to poke fun at friends and foes alike, and protest he had always been against the measure he had just carried. But, unfortunately, underneath his buffoonery there were a settled ambition and magnificent schemes. He had ideas—ideas as rash and wild as the sallies of his wit, which set the House in a roar; but his ideas seemed to offer a solution of the nation's financial puzzle. He saw that here was a great opportunity. How to raise a revenue without fresh taxation?—that was the question. Chatham was for depriving the Company of its territorial rights, and reducing it again to a trading corporation. Townshend thought he saw a

better way. Why not confirm them in those rights, at the price of a yearly ransom large enough to deliver all future Chancellors of the Exchequer from

> "That eternal want of pence
> Which vexes public men"?

George Grenville had sought to make the rustic wealth of America fill up the gaping void of our public debt. Charles Townshend had a bolder and more dazzling scheme. Let us shake the pagoda-tree!

Besides his Indian plan, he had another brilliant idea for getting a revenue without burdening the British tax-payer. His glowing allusions to the riches of the East alternated with mysterious hints about a new Board of Customs to be established in North America, which, by a fresh regulation of the tea-duty here, should produce a revenue on imports there.

America and Bengal, like two planets drawn out of their orbits by a comet, were approaching each other—great would be the kosmic disturbance if they came into collision.

CHAPTER XIII

CHARLES TOWNSHEND

"He would be a really great man, if he had any consistency, if you could believe his assertions, or trust his promises."—Smollett, *Humphry Clinker*.

"He had almost every great talent, and almost every little quality. . . . I never felt so little as when he opened his mouth. Yet such alloy did he bear about those marvellous parts, that children and women had more discretion and fewer weaknesses. . . . Ready as Burke's wit was, it appeared artificial when set by that of Charles Townshend, which was so abundant, that in him it seemed a loss of time to think. He had but to speak, and all he said was new, natural, and yet original."—HORACE WALPOLE.

"He harangued most inimitably on both sides of the question, and in turns was cheered by every party in the House."—*Ibid.*

"As to Charles, there was a good ridiculous paragraph in the newspapers, two or three days ago. 'We hear that the Right Honourable Charles Townshend is indisposed, at his house in Oxfordshire, of a pain in his side; but it is not said in which side.'"—*Lord Chesterfield to his Son, in* 1766.

CHARLES began at once. On the 1st of January, 1767, he wrote to Chatham that the General Court of the day before had passed a motion empowering the Directors to treat with Administration. Chatham replied next day, "I need not tell you how entirely this transcendent object, India, possesses my heart and fixes my thoughts."

Charles had already announced his own opinion—he was for recognising the Company's territorial rights, but making it pay for them. He saw a magnificent opportunity—such as never occurred to a Chancellor before. He dropped hints of a splendid revenue to be obtained by lenient dealing with the Company. He was against an enquiry—was convinced the Company meant to amend its ways. Chatham, who was convinced that both right and expediency forbade a Company's erecting itself into a sovereign state, tried to take the matter out of Charles's hands by putting up Alderman Beckford to move that the Company's papers be laid before the House. The Company, in a terrible fright, sent "their Chairman and Deputy" to wait on the Duke of Grafton; and when on the 20th, "the wild Alderman" moved for the papers, Charles

entreated him to defer his motion for a few days—everything was on the eve of settlement. And he talked so well about the rights of the Company, and the enormous profits to accrue to the nation from the bargain about to be made, that next morning India Stock went up six per cent.

Leave having been given to defer the Motion for the Company's papers, the House went into Committee of Supply on the Army Estimates. By the 26th of January it had got as far as the maintenance of the troops in the North American Plantations, when a memorable debate took place—in its consequence scarcely less momentous than those on the Stamp Act.

George Grenville proposed to make the colonists pay for the troops employed in America.[1] He quoted Acts of Parliament and Journals. As usual, he harked back to the Stamp Act. He loved that Act as his own child, and was persuaded in his stubborn mind that, with proper firmness on our part, it could have been enforced. He protested that if it were to be done again, he would do it. We must relieve Great Britain from the burdens which the Colonies ought to bear—burdens amounting to nearly £400,000 a year, which he reminded gentlemen was near what was produced by one shilling in the pound land-tax. Let America, like Ireland, support her own establishment. He moved to charge the Colonies with £400,000 annually, for the support of the regiments stationed there.

Townshend rose. Administration, he said, had already given its attention to this matter. He should bring into the House some propositions which he hoped might tend in time to relieve the people of England, and yet not be heavy on the Colonies. "I know the mode by which a revenue may be drawn from America without offence." The House shook with applause. "Hear him! hear him!" came from both sides. "I am still for the Stamp Act," he cried, excited by this applause. "It was only the heats that made it improper at the time. I laugh at the distinction between internal and external taxation!" Then looking up to where the Colonial Agents used to sit, he continued: "I speak this aloud, that you who are in the galleries may hear me; and after this, I do not expect to have my statue erected in America!" Then, as he

[1] "Grenville proposed saddling America with £400,000 per annum, for the support of the troops, but was so miserably mistaken in law and policy, that he was little listened to. He was indeed very spirity in his abuse of your Lordship, and your friend W. B."—*Beckford to Lord Chatham*, January 27, 1767.

Before the Seven Years' War, the American establishment cost £70,000 a year. In 1764 the estimates were £350,000.

sat down, he added, laying his hand on the table in front of him, "England is undone if this taxation of America is given up!"[1]

But Grenville was not appeased. He told the House that trade was depressed; then, suddenly stopping, and turning to the Treasury Bench: "You are cowards—you are afraid of the Americans! You dare not tax America!" "Cowards?" cried Townshend from his seat. "Dare not tax America? I dare tax America!" For a moment Grenville was silent. Then he said, "Dare you tax America? I wish to God I could see it!" "I will! I will!" cried Townshend, and again he pledged himself to find a revenue in America.[2]

Early in February arrived letters from Governor Moore, with news that the New York Assembly had refused to obey the Mutiny Act. Chatham was very angry; the best friends of the colonists almost gave them up. Was this their gratitude?

Next, the Company made the modest proposal that its term should be renewed for fifty years, the profits of its trade to be blended with its revenues. It also demanded that Government should interpose with France to get payment of the sums owed the Company for the maintenance of the French prisoners,—nearly £700,000,—and with Spain for the settlement of the Manilla Ransom.[3] There were other conditions, one being the regulation of the Company's army, and another that of the Company's navy.

[1] In spite of the applause, however, in the division on Grenville's motion only thirty-three voted with the mover.

[2] "During this interval of Lord Chatham's absence from the cabinet, the King contrived to have the question of taxing the American Colonies again brought forward. By playing man against man, and faction against faction, he at length obtained his wishes, and the American Colonies found themselves reduced to the alternative of unconditional submission, or explicit and avowed resistance."—NICHOLLS, i. 388–89.

[3] Near the close of the Seven Years' War, Spain made a secret treaty with France, known as the Family Compact—an agreement to consider as a common enemy any Power which might become the enemy of either. Pitt received information of this Compact, and resigned because the King would not immediately declare war with Spain. Both sides were equally eager to fight, but Spain delayed because her annual Plate Fleet was due. As soon as the ships were safe in Cadiz, Mr. Wall, an Irishman, who was then chief Minister of Spain, told Lord Bristol (our Ambassador) he might leave Madrid when he liked. (December, 1761.) Next September, Sir William Draper took Manilla with a force chiefly "furnished by the gentlemen at Madras," consisting of Lascars and Sepoys, with a company of "Caffres," and one of "Topazes." The Archbishop Captain-General made a valiant defence, but he was unprepared—he did not even know the countries were at war. Draper, who piqued himself on his scholarship, drew up the agreement in Latin. For a million sterling the English Commanders promised to preserve the city from plunder. Of this sum, the East India

Grafton was still imploring Chatham to return, and, alarmed at the accounts he received of Charles's conduct, Chatham actually started, but his illness increased, and he was unable to get farther than Marlborough. He remained there at the inn for about a fortnight, astonishing the town by his strange, excited behaviour. It was reported in London that he was out of his mind, and there was some excuse for the rumour.

"Lord Chatham is daily expected, and till he arrives, nothing worth informing you of is likely to happen . . . no member of the opposition speaks without directly abusing Lord Chatham, and no friend ever rises to take his part. . . . Never was known such disunion, such a want of concert, as visibly appears on both sides: how it will end heaven only knows! Charles Townshend appears rather out of humour, but his discontents are of no great moment." So wrote Lord Charlemont to Mr. Flood on February 19, 1767; and proceeded to give his friend some account of the debate the day before upon American Extraordinaries—"an excellent debate." Grenville moved for an Address, and that the enormous expenses in America be lessened, and the troops withdrawn from the frontiers and forts to the internal part of the provinces. "There was a great deal of good speaking." Conway spoke often and well; George Grenville "very little in two hours; Charles Townshend . . . excelled himself . . . he harangued inimitably on both sides of the question, and by turns was cheered by every party in the House."

That day Townshend had unfolded his budget more at large—still dropping sumptuous hints about the bargain he was driving with the East India Company. There was considerable commotion among the country gentlemen when he said the land-tax was to remain at 4s. in the pound. In times of peace it used to be only 2s., but the Seven Years' War and the increase of the Debt had doubled it. Grenville, when he was Minister, had let the country gentlemen know he meant to reduce it to 3s. He had even thrown out hopes of dropping it altogether, "if better methods of taxation were hit on." They were now, therefore, much disappointed. In vain did Townshend assure them that a 4s. land-tax, with some other savings, and what would be obtained from the Company, would be

Company demanded one-third; and a fourth part of the million being paid soon after, the Company received one-third of £250,000. The remaining £750,000 is the "Manilla Ransom"—the Spaniards declined to pay the balance.

The Company had almost the importance of an independent state. In 1771, it explained that it claimed no part of the Manilla Ransom—that being a matter for the captors only. "The Company's claim has a more solid basis, and is founded on a promise made by Government to reimburse the Company the expenses incurred by assisting in the expedition."—*Annual Register*, 1772.

enough to pay off the Four per Cents. In vain he promised, if he were Chancellor another year, to take off a shilling. In vain he told them the 4s. tax was "necessary for one year longer, to give room for the most brilliant operation of finance which this country ever saw, to ensure us dignity abroad, stability at home, and enable us to enter with advantage into any future war." He had reckoned without Grenville and Dowdeswell. Grenville was savage because his pet Stamp Act had been repealed, and Dowdeswell, Charles's fellow-student at Leyden, was smarting at having been turned out that Charles might be Chancellor. Dowdeswell moved, and Sir Edward Isham seconded, that the land-tax be 3s. in the pound sterling; and when Charles asked where he was to make up the deficiency, Grenville said he would not answer Mr. Townshend with the end of an old song—"Tell me, Gentle Shepherd, where——" a quotation that had been much applauded; but it always was Lord Chatham's style to spend money and leave others to raise it.

Ministers were taken by surprise, and the Amendment was carried by 206 to 168. It was the first time since the Revolution that a Government had been defeated on a money-bill, and etiquette demanded that the Chancellor should resign. But, though whenever Opposition worried him, Charles used to call himself a mere "passenger in Administration," he now only began to contrive how by additional taxes in America he could recover the £400,000 which he had lost by the shilling knocked off the land-tax.

At last, on March 2nd, Chatham reached London, but only to shut himself up in his own house, and it was not till the 12th that he saw the King. His malady increased on him to such a degree that he went to North End, Hampstead, and would see no one. Yet even the knowledge that he was in town acted as a check on Charles, and comforted the King, who was excessively disturbed at the Ministerial defeat.

It was at a Cabinet Council, held on March 12th, that the interests of America and those of the East India Company actually touched each other. At that Council Charles took a tone so arrogant that Grafton wrote to Chatham, "His behaviour, on the whole, was such as no Cabinet will, I am confident, submit to." He refused to move the "Extraordinaries of America" in the House, unless the whole state of the Colonies was taken into consideration —the forts, the Indian trade, and the disposition of the troops, which must be drawn nearer the great towns. He threatened to resign if this were not done. He had already formed his plan for working off the Company's surplus teas on the colonists. There was also the New York Assembly to punish for refusing to comply

with the Billetting Act, and the Massachusetts Assembly to punish for its insolence in putting an indemnity clause in the Bill to compensate sufferers "in the late times." Governor Moore, surrounded by a number of "outed" stamp-masters as angry as himself, was writing home inflammatory letters, describing America in general as on the point of rebellion, until France and Spain began to send out agents to see how things really stood. For if there was going to be a rebellion, these two Powers thought they saw their way to recovering some of their losses in the Seven Years' War.

The earnest desire of the gentlemen of England to be relieved from the land-tax played at first the largest part in the persistent determination to tax the American Colonies. We shall wholly misunderstand the situation if we explain it by what may be called sentimental motives. The desire for supremacy is seldom a purely intellectual passion, and it never would have produced the tremendous consequences it has, if it had not allied itself with the grosser passions of greed and luxury. The conqueror always gets hold of the money-bags, and this fact makes his adherents terribly sincere in their devotion. Let Empire become a visible impoverisher, and men will soon think they may pay too dear for supremacy. The abstract theory that Britain has been appointed by Heaven to rule all the waves and a good many of the furrows of this planet, has been appreciably fortified by the concrete persuasion that in ruling them Britain grows rich. In 1767 there was no attempt to disguise the part the British pocket was playing in animating British pride.

CHAPTER XIV

THE SUSPENSION BILL

"And yet there remains among that people so much respect, veneration, and affection for Britain, that, if cultivated prudently, with a kind usage and tenderness for their privileges, they might be easily governed still for ages, without force or any considerable expense."—*Franklin to Lord Kames*, April 11, 1767.[1]

"Don't fancy that you can divide the people upon this point, and that you need only divide to govern; you will by this conduct only unite them the more inseparably; you will make the cause of New York a common cause. . . . It is a fact which the House ought to be apprised of in all its extent, that the people of America, universally, unitedly, and unalterably, are resolved not to submit to any internal tax imposed upon them by any legislature, in which they have not a share by representatives of their own election. This claim must not be understood as though it were only the pretences of party leaders and demagogues . . . it is the cool, deliberate, principled maxim of every man of business in America."—*Governor Pownall's Speech against the Bill for Suspending the Assembly of New York*, May 15, 1767.

THE time we are considering is not only one of the most important as to the foreign and Colonial policy of the British Empire, it was also a period of very great importance for our domestic policy, and that slow-growing plant, British Liberty, now took a new start. Its growth had been arrested ever since 1702—that is, ever since the one absorbing business of English statesmen was to keep out the Stuarts, or to wriggle them back to the throne of these kingdoms. The affairs of the Company, and the dazzling visions of the tribute to be got out of Bengal, diverted attention from a very curious question which had dragged on for ten years, from court to court, till at last it reached the House of Lords. This was the Cause between the City of London and the Dissenters, and it was certainly one of the oddest illustrations of religious liberty ever furnished by any country.

Ever since the 13th[2] of Charles II, when the Corporation Act

[1] This letter was probably intercepted—Kames did not receive it; but two years after, Franklin, who had kept a copy, sent it to him.

[2] 1662. The reign of Charles II is reckoned on the Statute Book to begin in 1649.

was passed, no one could be elected into any corporation office who had not received the Sacrament of the Church of England within twelve months before his election. This was, of course, intended to shut out both Papists and Dissenters, and the Dissenters submitted —having a great desire to prove that *they* were no longer dangerous. But in 1748 the Corporation were in want of money. Up to 1739 the Lord Mayor had to live in his own house during his term of office, or to borrow the Hall of his Company. In that year, the Corporation began to build the Mansion-House.[1] It cost £71,000 before it was done; and in 1748 the Corporation bethought them of a scheme worthy of Charles Townshend himself. It was very simple—they only passed a bye-law, that any person nominated for Sheriff by the Lord Mayor, and refusing to stand the election of the Common Hall, should be fined £400 and twenty marks; and any person who, being elected, refused to serve, should pay a fine of £600. They then proceeded to nominate and elect Dissenters as fast as they could. The motive was too patent. They had set forth as the motive of the bye-law their great desire that only fit and proper persons should fill the office of Sheriff; but one of their Dissenters was blind, and another was bed-ridden—not that this made any difference to the fine. By this ingenious device the Corporation got about £15,000 out of the Dissenters, and expended it on the Mansion House. This went on for several years, but at last the Dissenters turned restive. Some refused to pay, and Allen Evans was proceeded against in the Sheriffs' Court. Evans appealed to the Court of Hustings, then to the Court of St. Martin, which unanimously reversed the findings of the City courts. But the City would not yield—it appealed in its turn to the House of Lords, and the case was not finally decided till 1771.

In February, the Directors laid their first set of proposals before Ministers. They demanded exclusive trade and their territorial rights for fifty years; Government to support the Company's civil and military establishments; the Company to blend the profits of its whole revenues and trade, and divide the next surplus between the public and the Company—to each a moiety; and to pay £500,000 a year to the Treasury.[2]

Encouraged by Townshend's defence of their territorial rights,

[1] Lord Burlington sent in a design by Palladio, but on a Common Councilman asking whether Palladio was a Freeman, and whether he was not a Roman Catholic, the commission was given to the City surveyor.

[2] Beckford wrote to Chatham that if these terms were accepted, India Stock would go up to 500, and "be blown up" more than the South Sea Bubble.

the Directors had raised the East India Dividend from six to ten per cent.—whereupon Stock rose to 263. They were obliged to send Mr. James to the House with the Account of their expenses for their Factories and Settlements, the "sundry expenses" incurred in their wars since 1754, and the sums "received from the Nabobs"; but they devoutly hoped that these need never be printed.

Townshend's behaviour had now become outrageous. He observed no decency; he went about telling everybody that he upheld the Company, because his wife—Argyle's widowed daughter—had become, by the death of the Duchess, a large owner of Stock. This was not true; but Townshend himself held East India Stock, and it was alleged that every time his speeches sent Stock up, he sold out. He lost no opportunity of "talking at" Lord Chatham. He found fault with measures, disclaimed any share in the government, and complained that Ministers had settled nothing—the affairs of America and India, and even the Manilla Ransom, were just where they were! He was always threatening to resign, when he was not hinting that he ought to be the leader—or, as it was then called, "manager" of the House, an office now discharged by Conway. Chatham, though now in town, took even less part in public affairs than when he was at Bath. All through the critical months of March, April, and May, he shut himself up at North End, declining to see Grafton even for five minutes, declining to see the King's physician, taking Dr. Addington's kill-or-cure remedies; and unable to answer, and sometimes not allowed even to read, his letters. They were not good reading for a patient racked with gout. Shelburne was writing that it appeared to him quite impossible Mr. Townshend could mean to go on in the King's service. Grafton wrote, "His behaviour, on the whole, is such as no cabinet can submit to." The Earl of Bristol wrote still more piteously about "the mutiny in our garrison, the shyness of half friends, the backwardness of the irresolute, the shameful desertion of those who voluntarily enlisted." Charlemont was writing to Flood, "Charles Townshend is at open war."

On February 16, Lord Clare, one of the Commissioners of Trade and Plantations, came down to the House at his Majesty's command, to lay before it a Petition from 240 merchants of New York.

This petition sets forth so clearly the workings of Colonial commerce, that an abstract of it will explain the commercial situation more intelligibly than any general statement can do.

The Colonies, say the petitioners, require vast quantities of the manufactures of Great Britain, and do not themselves produce

much which Great Britain requires in return. They are thus driven to seek a market where they can sell, in order to pay for what they want to buy. They therefore trade with the islands, bartering their own produce for rum, sugar, molasses, cotton, and indigo. The sugar, cotton, and indigo serve as remittances to Great Britain; but the molasses and rum are essential branches of Colonial commerce —they are bartered for fish and rice, and thus a valuable trade is kept up with Spain, Portugal, and Italy, which countries pay chiefly in money or bills of exchange. This qualifies the petitioners for adventures in Africa, where they have the advantage of putting off great quantities of British manufactures, and of receiving in exchange gold, ivory, *and slaves, which last, disposed of in the West India Islands, command money or bills.* Rum is indispensable in their Indian trade, and, with British manufactures, procures furs and skins, which serve for considerable returns to Great Britain. Then there is the trade to the Bay of Honduras, where for small cargoes of provisions, rum, and British manufactures, they obtain logwood to send to the different ports of Europe. Thus sugar, rum, molasses, logwood, cotton, and indigo are the essentials of their return cargoes, and the chief sources of their credit with Britain.

The petitioners then speak of the rapid increase of the Colonies —"their inhabitants already exceeding two millions"; "the vast accession of subjects by the late conquests"; the innumerable tribes of Indians in the countries annexed to the British Crown; and the utter incapacity of their own islands to supply this demand —surely, then, sound policy demands that these Colonies shall be indulged in a free and unrestrained exportation of all the lumber and produce they raise and can spare. If not, they cannot pay their debts to Britain, and will be compelled to take to manufacturing for themselves,—which will be attended with consequences very detrimental to Great Britain. The petitioners then proceed to point out the grievances under the two Acts.

First, there are "the heavy embarrassments which attend the article of sugar." Sugar is often the only means of procuring a sufficient return cargo; 5s. sterling per hundred is so excessive a duty that "the fair trader has been induced to decline that branch of business"; at the same time it is an irresistible incentive to smuggling, to people less scrupulous. The duty is little profit to Britain, since it cannot be duly collected, and it cuts off "one grand spring" of Colonial traffic. The officers themselves will testify to the impracticability of collecting this duty, and merchants have sometimes brought their very plate into the Custom House to discharge it. The petitioners ask, therefore, for a moderate

duty to be laid on foreign sugars; this will both increase the revenue and benefit the Colonies.

Another grievance is the compelling merchants to land and store foreign sugars in Great Britain, before they can be exported to other parts of Europe. This most expensive and dilatory regulation is of no material advantage to Britain, and effectually puts it out of the power of the petitioners to meet foreigners at market upon an equal footing; it is a heavy burden in time of peace, and in time of war a hazard and peril, and must wholly extinguish this useful branch of remittance. Plantation sugar from North America, on being landed in England, has to be declared French, and is thus exposed to the foreign duty in Great Britain; while the West India merchants are left free to export such sugars as what they are. A moderate duty on foreign rum (except French) would enable them to bring back the full value of their cargoes, especially from the Danish Islands, where they can only receive half the value in sugar and cotton. Then the low price of logwood, its bulk, and the duty, will destroy that branch of Colonial trade, if it must be landed in England on its way to Continental ports. It is the same with lumber and potash—even when intended for Ireland, "where they are so necessary for the progress of their linen manufacture." Nor is flax-seed exempt, though the existence of the linen manufacture immediately depends on it; and without the delay thus created it could arrive in time for sowing. And all these articles can be imported into Ireland directly from the Baltic, and have to be paid for to foreigners with money, *instead of to British subjects with British manufactures.* Then there are the wines from the islands—these could be exchanged against wheat, flour, fish, and lumber, if the American duty were withdrawn. The North American fishery is an object of the highest importance—besides all else, it is a nursery for seamen, and is clearly so advantageous for remittance, that the petitioners hope the House will cherish it. Another very grievous grievance is the enlarging the jurisdiction of the Admiralty (by the Statute of 4th Geo. III). The property of the trader is now open to every informer, and the means of justice so remote as to be scarce attainable. The petitioners are very grateful for the opening of free ports at Jamaica and Dominica, but lament that they are in no condition to reap the benefits expected from so wise a policy. The free ports would be of the greatest use, if the Colonial traders were at liberty to bring back the produce of Martinico, Guadaloupe, etc., in return for their lumber and provisions; but they are now prohibited from taking anything except molasses, and there cannot be enough of that for any con-

siderable trade.[1] The petitioners, therefore, pray for liberty to import into the Colonies all West India productions, in exchange for their own commodities.

Finally, they say that, although at the last session the necessity for relieving the trade of the Colonies seems to have been universally admitted, "and the tender regard of Parliament for their happiness highly distinguished," yet the commercial regulations then enacted have increased, rather than remedied, the heavy burden under which it already laboured.

This petition was read, and ordered to "lie upon the table," and no further notice seems to have been taken of it—unless the Revenue Act is to be considered as a reply. Even Chatham, though he said the petition ought to be laid before the House, "and not be smothered in the hands of the King's servants," thought it "highly improper; in point of time, most absurd; in the extent of their pretensions, most excessive," and fallacious and offensive in the reasoning. Shelburne wrote that the merchants "here" (London) disavow it, and say that a Mr. Kelly is the sole author of it, and "the demon who has kindled the fire."[2]

On the 7th of April, Mr. Secretary Conway laid before the House the papers from America—the Journal of the General Assembly of New York, from the 10th of November to the 19th of December, 1766, with extracts and copies of letters from Bernard and Gage to Shelburne; and copies of Messages between Bernard and the House of Representatives of Massachusetts Bay.

It was much to have got a Compensation Bill at all out of the Massachusetts Assembly, convinced as it was that the victims of the riots had suffered for conniving at an illegal attempt to deprive the province of immemorial rights. The colonists had contented themselves with quietly ignoring the "Statutory Declaration," and it would have been well if the "high prerogative people" had imitated them, and taken no notice of the "Act of free and general Pardon, Indemnity, and Oblivion," without which the Assembly had resolutely refused to pass a Compensation Bill.

But the prerogative people—and, at that moment, the vast majority of Englishmen—were not of this opinion. They thought that British self-respect demanded that the New Englanders should eat humble-

[1] George Johnstone, then Governor of West Florida, writing on May 4, 1765, to John Pownall, Secretary to the Board of Trade, says, on considering the various productions of his Majesty's other Colonies, "he despairs of seeing this settlement flourishing unless Spanish commerce is permitted. Cannot conceive why it is stopped."—*Hist. MSS. Report XIV*, App. 10 (American Papers), p. 14.

[2] Shelburne to Chatham, February 6, 1767.

pie. So the Commissioners of Trade and Plantations informed his Majesty that his Attorney and Solicitor-General, having been consulted, were of opinion that the Assembly had no power to pass such an Act, and on May 9, the King in Council disallowed and nullified the whole Compensation Bill, and ordered Bernard to require the Assembly to pass another, unmixed with any other matter whatever.

The resolutions of the New York Assembly caused great indignation at the ingratitude of the colonists. Grenville said this was what we had got by yielding to rioters. Chatham was much displeased, though he still insisted that this was what we had got by our folly in trying to force the Stamp Act upon the colonists. He wrote to Shelburne, "It is a literal truth to say that the Stamp Act, of most unhappy memory, has frightened those irritable and umbrageous people quite out of their senses." All parties united in calling the resistance of New York rebellion; while the Massachusetts Compensation Bill was represented as an impudent usurpation of the Royal Prerogative of Pardon.

At last, on April 15, 1767, Charles Townshend fairly "opened his budget." There is no report of the debate—we gather fragmentary accounts of it from private letters. Charlemont says that Charles Townshend "spoke amazingly well." Somehow or other, notwithstanding the loss of that shilling on the land-tax, he had "fourteen hundred thousand pounds" to pay off the Four per Cents. But the most important parts of his Budget were the proposals for a revenue from America, which should offend nobody. The duties he now proposed constituted the fatal "Revenue Act," which finished what the Stamp Act had begun, and the Mutiny Bill was continuing. The new duties were laid on all glass (crown, plate, flint, white, and green); on paper and pasteboards, painters' colours, red and white lead; *threepence a pound on tea exported into the British Colonies and Plantations in North America*; and the duty of a shilling in the pound on all teas consumed in Great Britain was taken off. Townshend himself did not pretend that these duties would bring in more than from £35,000 to £40,000 a year. The real object now was to punish the colonists, and assert our sovereign right. Charles was proving that he dare tax America.

But Grenville was not satisfied. When Townshend had gone through his list, Grenville rose. He ridiculed the new duties as "trifles." "I will tell the honourable gentleman of a revenue that will produce something valuable in America—make paper money for the colonies, issue it upon loan there, take the interest, and apply it as you think proper." The House seemed to like this idea

—whereupon Charles declared it had been an idea of his own, but it had quite slipped his memory—and now he supposed the honourable gentleman opposite would take the credit for it!

There was no lack of warnings. Charles's cousin, "Tommy" Townshend, said to him, "Take the tax; but let it have the appearance of a port-duty."[1] Franklin says that most of the Cabinet disliked it. The first sketch of it had made Shelburne uneasy. It was, indeed, a wanton provocation, so unprofitable as to have all the appearance of petty revenge. For a paltry sum of from £35,000 to £40,000 a year, Townshend was going to interfere with the trade of Thirteen Colonies, already sore and suspicious, already complaining of the restrictions on their trade. But he got his way once more by threatening to resign—if his colleagues feared him as a friend, how much more as an enemy!

There seemed no limit to his folly. In June, 1766, while he was still a member of Rockingham's Cabinet, he had proclaimed his opinion that America ought to be deprived of "her militating and contradictory charters," and that her Royal Governors, Judges, and Attorneys ought to be rendered independent of the people, by receiving their salaries direct from Great Britain. As though he had not done enough by the Revenue Act, he now harked back to this proposal. In an inflammatory speech, so much in earnest that he forgot to be witty, he told the House that the Privy Council had advised his Majesty to annul the whole Compensation Bill, and added that he hoped Governors and Judges would in future be made quite independent of the people—New York, he said, was the worst, and he went on to urge the Suspension Bill. Then he talked about the tax on paper currency, till Grenville's "narrow heart" was delighted. So pleased was Charles with his Budget and himself, that he published it in pamphlet-form—the first time such a thing had been done.

On May 15 came on the Bill for Suspending the Assembly of New York until it provided the troops with everything ordered by the Mutiny Act. There were many debates. Governor Pownall made a long and earnest speech, imploring the House at least to amend

[1] Franklin had been asked whether there was any kind of difference between a duty on the importation of goods and an excise on their consumption? He answered: "Yes; a very material one; an excise, for the reasons I have just mentioned, they think you can have no right to lay within their country. But the sea is yours; you maintain, by your fleets, the safety of navigation in it, and keep it clear of pirates; you may have therefore a natural and equitable right to some toll or duty on merchandises carried through that part of your dominions." —*Examination of Dr. Benjamin Franklin at the Bar of the House*, Jan. and Feb., 1766.

the Act, and make its meaning clear, before determining to enforce it. He also urged Ministers to consider whether their officers in America had the means of enforcing, if the colonists chose to resist. Grenville stubbornly supported the Act as it stood. In one of many speeches, he stopped short, looked up to the Gallery, and said, "I hope there are no American agents present; I must hold language I would not have them hear." The Speaker said he had ordered their exclusion. But Johnson, Agent for Connecticut, had contrived to get in that night—braving the danger of arrest if he were "spied"—and he heard what the Agents were not to hear. Grenville was proposing to give Colonial Governors power to draw on Colonial Treasurers for the needs of the troops, and a treasurer who refused to honour the draft was to be judged guilty of a capital crime, and to be tried and punished in England. He also proposed a political test, affirming the unlimited sovereignty of Great Britain, which every American must sign before taking office. He carried a motion for an address of sympathy with Hutchinson, Oliver, Ingersoll, and others who had made themselves the most obnoxious to the colonists during what the Massachusetts Assembly had politely called "the late times."

The Suspension Bill passed on the 15th of June. The *Annual Register*, in noting the fact, observes, "this will teach the provincial assemblies their inferiority to the supreme legislature." Except for this Bill, America was a good deal neglected at this time. A writer in the *Political Register* says that the American Secretary wrote only two letters to the Colonies between July, 1766, and the middle of May, 1767—one to Governor Moore at New York, on August 9, 1766, the other to Bernard, on September 12.

The great business of that session was the settlement with the East India Company. Mr. James continued to bring papers, and to pray that they might not be printed (and so the proceedings of the Select Committee of Bengal become publicly known). The Chairman and Deputy waited on Grafton. Committees of the Whole House sat on the papers, and discussed them in debates, of which only the most meagre accounts have transpired. East India Stock fluctuated with every speech of Mr. Townshend's,[1] and the "passenger proprietors" aired their wrongs in frequent and copious pamphlets.

[1] "The Duke of Grafton gave a dinner to several of the principal men in the City to settle the loan. Mr. Townshend came in in his nightgown, and after dinner, when the terms were settled, and everyone present wished to introduce some friend on the list of subscribers, he pretended to cast up the sums already subscribed, said the loan was full, huddled up his papers, got into a chair, and returned home, reserving to himself by this manœuvre a large share in the loan." —*Sir George Colebrooke, cited by Walpole, Mem. of George III*, iii. 100.

And at length—so difficult did the matter appear on a nearer view, and so vast the consequences involved—nothing less than an empire at stake—that a temporary settlement was resolved upon—to be for two years, from February 1, 1767. Almost all the demands which had seemed so preposterous to Chatham were granted—the Company was to pay into the Treasury £400,000 a year, in half-yearly instalments, and in return its territorial rights were to be admitted.

As soon as the terms of the settlement leaked out, the proprietors of India Stock made a demand, at the General Court of May 6, for a larger dividend, on the ground that the Company had acquired so much new territory in 1764–5, and had now made so advantageous a bargain with Government, that all shareholders ought to participate at once in the benefit. The Directors, who had to find the first instalment of the £400,000, admitted they had made a good bargain, but they had vast expenses in India, owing to the unexampled extent and duration of their late military operations. Moreover, their profits were sometimes remote and precarious, while their debts must be met immediately.[1] Better pay our debts before we raise our dividend. But the proprietors were determined to share the spoils, and they carried their motion for a dividend of 12½ per cent.

This temporary Agreement was concluded on the 20th of May, and the same day the Company petitioned Parliament to "alter" the duties on tea, "in order to prevent the pernicious practice of smuggling, and encourage the consumption of that commodity," by granting a "drawback" on all teas exported to Ireland, *or to any of his Majesty's colonies.* They also asked for an alteration in the duties on calicoes, muslins, and raw silk. The Company undertook to indemnify the Chancellor of the Exchequer for any loss to the revenue, if the reduction of the duty was not made up in increased consumption. It was on this clause that the fate of America was finally to turn. No sooner was the Settlement made, than Charles Townshend began to disown his work. He had boasted that this two-years' respite was what he had always insisted upon. As soon as it had become law, it was no advice of his—his opinion was not with it!

A few days after the settlement was signed, Ministers resolved to interpose with regard to this enormous dividend. In their turn, they talked about the South Sea Bubble, and declared that if some restriction was not placed on the Company, share-and-stock jobbing would soon reach a greater height than even in the days of the

[1] They had not sold their teas in March, as usual, that they might not appear to be in cash. See the Duke of Richmond's speech on June 25.

Bubble. There was a violent opposition. Such an interference was called an infringement of private rights, hitherto unheard of in England. Ministers replied that the power and position of the Company was also hitherto unheard of. Chatham did nothing to help—he was still at North End—now sometimes to be met riding on the heath, but speaking to no one, and casting terrifying looks at any who ventured to approach too near. He was reported to be actually insane. Townshend was intriguing, none knew how deeply, with Bute; Conway, sick of the false position in which Chatham's supporters were placed by his absence, was talking of resigning. Grafton had to fight the battle almost alone; but after a fierce struggle, and long and angry debates in both Houses, and a Protest by nineteen peers, the East India Company's Dividend Bill passed, and received the Royal Assent on June 26, and on July 2 Parliament was prorogued.

The "East India Restraining Bill" fixed the dividend at a maximum of 10 per cent., till Parliament should reassemble. It also made changes in the voting regulations of the Company, in order to shut out the votes of the small proprietors. There were not wanting those who remarked on the fact that more than sixty members of Parliament were known to be engaged in jobbing in India Stock, and yet sat in judgment on the Company's affairs.

It was *à propos* of the Company's business that on the 8th of May, Charles Townshend made the extraordinary exhibition of himself known as his "champagne speech." Horace Walpole has left an account, written the same day. Charles came down to the House that morning with a black shade over his eye—he said he had had a fall, but Walpole says it was an epileptic fit, brought on by a debauch the night before. He made a calm and sensible speech, though he complained much of Lord Chatham; and at four o'clock he went away to dine, taking with him Sir George Colebrooke and Sir George Young. Colebrooke positively asserted afterwards that they had but one bottle of champagne among the three of them. Dyson was making an important motion on the India Bill—Townshend's presence was absolutely necessary, and Conway sent for him. About eight he returned, while Grenville was speaking. As soon as Grenville had done, Charles rose, half-drunk, and made the most astonishing speech ever heard in that House. Of it Walpole says that nobody but he could have made it, and nobody but he would have made it if they could. He began by calling God to witness that he had never been consulted on the present motion. There were fourteen men sitting round him who had helped him draw it that very morning! He complained that he was not taken

36062

seriously. What he said was "all *à propos* to nothing, and yet about everything—about ministries, past, present, and to come." So far as anything could be gathered from this astounding rhodomontade, it was a proposal for a Rockingham Administration, with Charles Townshend at the head of it. Charles spoke of the Grafton Cabinet as though it were already a thing of the past. "The speech showed him capable of being, and unfit to be first minister." The House listened in a roar of rapture, clapping like an audience at a theatre. His friend Colebrooke thought it was a piece of acting —there was method in many of Charles's eccentricities, and Colebrooke suspected him of wishing to sound the feeling of the House towards a Townshend Administration.

CHAPTER XV

LORD NORTH

"A leading Minister repeatedly called down for absolute ignorance, ridiculous motions ridiculously withdrawn, deliberate plans disconcerted, and a week's preparation of graceful oratory lost in a moment, give us some, though not adequate ideas of Lord North's parliamentary abilities and influence. Yet before he had the misfortune of being Chancellor of the Exchequer, he was neither an object of derision to his enemies, nor of melancholy pity to his friends."—JUNIUS.

"While we are at peace with other nations, our military force may, perhaps, be spared to support the Earl of Hillsborough's measures in America. . . . Drawing lots would be a prudent and reasonable method of appointing the officers of state compared to a late disposition of the Secretary's office."—*Ibid.*

"Since the accession of our most gracious Sovereign to the throne, we have seen a system of government which may well be called a reign of experiments."—*Junius to the Duke of Grafton*, July 8, 1769.

THE Patchwork Cabinet was a coalition, and a coalition can never be more than a temporary makeshift, adopted to gain time for discovering where the chief strength lies. In such a partnership there can be no enthusiasm. The less scrupulous invariably drag the more scrupulous into measures of which they disapprove. Finally, the more scrupulous see no escape but a secession which comes too late to save either their self-respect or their credit with the country. It was so with the Rockinghamites whom Chatham persuaded to remain in 1766. They were dragged along by Townshend, and when they grew alarmed and resigned, they took with them nothing but a reputation for feebleness.

The Patchwork Cabinet was unworkable. On June 2, the King wrote to Chatham that Northington and Conway meant to resign, and that Grafton declined to form a new temporary Administration—unless Lord Chatham could fill up the vacancies the present one would infallibly fall to pieces in less than ten days. Townshend, too, would go, "unless additional strength and ability be acquired." Chatham replied by the hand of Lady Chatham, that he was totally incapacitated. He humbly declined to see Sir Clement Wintringham, his Majesty's physician, and implored permission to follow the directions of Dr. Addington,

who gave him good hopes of recovery. The King wished above all things to prevent Chatham from resigning—it would be terrible if he recovered and went into Opposition! There was only one thing his Majesty dreaded more, and that was being obliged to take back George Grenville. The country was practically without a Government. In July, Northington bluntly declared in the King's closet that he could bear it no longer—and he went out of town. Grafton told the King *he* could not go on like this. Townshend said he would stay, if "stability" could be obtained —not if Administration was to be merely "patched." Meanwhile it was reported that Chatham had a violent fit of influenza, had been in danger, and made Addington sit up with him all night. And it was generally believed that now, at any rate, Chatham was quite out of his mind.[1]

That summer almost everybody—except George Grenville, who, after Chatham, was far the most capable—was asked to come and help govern the British Empire; and everybody was afraid to undertake the task. Nobody cared to become one of a fortuitous concourse of atoms. For a few days it seemed as though the Rockinghamites would return to power, with the Bedfords and Newcastles. The King called this "an intent to storm my closet," but he dared not openly resist, for fear of having to take back "Mr. Greenville." To his great joy, the negotiations fell through on the question of America—Bedford was for coercion, Rockingham still for conciliation. But all saw that a change was inevitable. Chatham no longer counted. At the end of July, a person employed to find out his real condition, reported that he sat most of the day alone, his head leaning down on his hands, which he rested on the table. Even Lady Chatham did not generally stay in the room with him—if he wanted anything, he knocked with a stick. "He says little, even to her, if she comes in; and is so averse to speaking, that he commonly intimates his desire to be left alone by some signal, rather than by any expression." Addington, however, still thought he would recover.

It was practically an "interministerium." All who were behind

[1] "The public here, as well as with you, believe him wholly mad: but I am assured it is not so. He is only fallen into extreme low spirits and into nervous disorders, which render him totally unfit for business, make him shun all company, and, as I am told, set him weeping like a child upon the least accident. Is it not even an addition to his unhappiness that he retains his senses? It was a rash experiment, that of repelling the gout, which threw him into this state of mind; and perhaps a hearty fit of gout may again prove a cure to him."—*David Hume to the Countess de Boufflers.*

the scenes were certain that Charles Townshend would be First Lord of the Treasury before Parliament reassembled. He had been in communication with the King, and with Bute, who was his wife's cousin. He had paid court to the City of London, and received its freedom in a gold box—this was thought a huge joke by Charles's friends. He seemed to be in sight of the goal. There are in existence 163 skeleton sketches for an Administration, drawn up by the political plotters of the time. One, which was pretty nearly carried into effect, was for shutting out all the Rockinghams except Yorke, and filling the vacancies with the "King's Friends."

Charles had been drinking very hard of late, and had never been so delightful. Night after night he supped at Conway's, and kept them all in a roar at his sallies till past two in the morning—winding up one night with an imitation of his wife and another great lady, with whom he pretended to be in love. When we try to imagine what a man would have done as the head of a Cabinet, who had contrived to crowd so much mischief into a year as Chancellor of the Exchequer, we are almost reconciled to North's Administration. If Townshend had come to power, his rashness and fickleness would have been to North's, as King Stork to King Log. But it was never to be. The combined excitements of wine, women, and politics were telling upon him. Even before the House rose, some thought he looked very ill. His wife said he was in very low spirits. Towards the end of August it was known that he was laid up—Sir William Duncan had seen him, and pronounced it a "putrid fever," which he had been carrying about for a long time. This may partly explain his extraordinary conduct during the last few months. Duncan thought the fever not dangerous at present, but it might at any moment become so. And, suddenly, it took this fatal turn. When he was told of his condition, Charles showed a patience and resignation in strange contrast to his habitual temper—but in him everything was strange and contradictory. He died on the 4th of September, 1767. He had only just completed his forty-second year. He had sown the wind. He died before his country could reap the whirlwind.

There was great difficulty in filling Charles's place. On September 11, Lord Mansfield, Chief Justice of the King's Bench, was appointed *ad interim*. The Exchequer was offered to Lord North, who declined more than once. Then to Barrington, then to the Duke of Bedford. Not until December 1 do we find in the "Promotions," "Lord North, Chancellor of the Exchequer, and a Lord of the Treasury." He had been persuaded to accept by the Dowager

Princess of Wales. It was a sinister omen, but too prophetic of the influences which were henceforth to direct his career.

Like many other famous Tory Ministers, North had begun as a Whig. His disastrous Administration has left an impression of incompetence not wholly just. He was a man of superior abilities, but weak of will, an indolent and easy-going man, with a quick wit and a sweet temper; a good debater rather than a good speaker. He had a singularly ungainly presence, and the story went that he had said he supposed himself, his wife and daughter were three of the ugliest people in England. They were certainly among the most amiable.[1] North's personal peculiarities are mercilessly described by Horace Walpole. "Two large prominent eyes rolled about to no purpose—for he was utterly short-sighted—a wide mouth, thick lips, and an inflated visage, gave him the appearance of a trumpeter."

North was the eldest son of the Earl of Guildford. He had done well at Eton and Christ Church in classics, and had made the "grand tour"—he had even "studied the German constitution" under Mascovius. He had held office under Pitt. He was now thirty-five. His abilities had been recognised by the shrewdest political observers. George Grenville said to a man who was sneering at North, "You are mistaken. North is a man of great promise and high qualifications, and if he does not relax in his political pursuits, is very likely to be Minister." Townshend, who always called him "Blubbery North," was walking one day in the Park, when he said to a friend, "See that great heavy, booby-looking changeling—you may believe me when I assure you as a fact, that if anything should happen to me, he will succeed to my place, and very shortly after come to be First Commissioner of the Treasury." No one would believe this; but the first part of the prophecy was immediately fulfilled.

From this time, every change was for the worse—that is, it gave more and more power to the "King's Friends." Earl Gower, the new President of Council, the Earl of Hillsborough, Lord Weymouth, Rigby (the Duke of Bedford's lieutenant in the House of Commons) —all these will play their part in driving the quarrel with America to extremity. Soon the King was to have the Cabinet he had been working for ever since Bute resigned in 1763. Shelburne, Chatham's

[1] "His daughter Lady Charlotte Lindsay said of him, 'His only fault was his inability to resist the influence of those he loved.' North bore a strong general resemblance to the Royal Family—a resemblance accounted for by an old piece of scandal."—*Memoirs of Rockingham.*

friend, was dismissed, and replaced by Weymouth. And on January 6, 1768, "the Right Honourable the Earl of Hillsborough took his seat at the board of trade, as secretary for the American colonies." He was the first Colonial Secretary.[1]

[1] Wills Hills, afterwards first Marquis of Downshire, Earl of Hillsborough in the Peerage of Ireland, *b.* 1718. He sat as Lord Harwich. Walpole had called him "a young man of great honour and merit, scrupulous in weighing his reasons, and excellent at setting them off by solemnity of voice and manner." Franklin said of him: "His character is conceit, wrong-headedness, obstinacy, and passion. Those who speak most favourably of him allow all this; they only add that he is an honest man and means well."—*Franklin to Dr. Cooper*, February 5, 1771.

CHAPTER XVI

THE LAST DAYS OF A PARLIAMENT

"In one of our conversations, I desired Lord Chatham to secure you a seat in the New Parliament; he assured me he would. . . . Since that, I have heard no more of it; which made me look out for some venal borough; and I spoke to a borough-jobber, and offered five-and-twenty hundred pounds for a secure seat in parliament; but he laughed at my offer, and said, that there was no such thing as a borough to be had now, for the rich East and West Indians had secured them all, at the rate of three thousand pounds at least; but many at four thousand; and two or three, that he knew, at five thousand. . . . I am looking out for a chance borough; and if I can find one, I promise you I will bid like a chapman for it."—*Lord Chesterfield to his Son*, Dec. 19, 1767, and Jan. 29, 1768.

"The old Parliament is gone. . . . All the members are now in their counties and boroughs among their drunken electors; much confusion and disorder in many places, and such profusion of money as never was known before on any similar occasion. . . . The first instance of bribery . . . is no longer ago than Queen Elizabeth's time, when . . . 'a simple man . . . had given *four pounds*.' . . . The price is monstrously risen since that time, for it is now no less than *four thousand pounds!* It is thought that near two millions will be spent this election."—*Franklin to Joseph Galloway*, March 13, 1768.

THE last session of the Twelfth Parliament of the United Kingdom opened badly (on the 24th of November, 1767) with a Speech from the Throne, unmercifully criticised by Mr. Burke. Such, he said, was the condition of the country—so much distress, so many disorders owing to that distress, that every moment of the recess ought to have been devoted to discovering a remedy. But we are put off with a declaration that the laws passed last session have been without effect. God knows what Ministers have been about these four months past! They have done very little good—it is to be hoped they have not been doing mischief! It is claimed for the Speech that it is "harmless"—there have been times when harmlessness was not enough. It is hinted that Mr. Townshend had a plan. That lamented gentleman was not a reserved man—surely someone must know what the plan was. What a humiliating thing for an Administration, to tell the House that by the death of a single man all projects for the public good are at an end! Then we are assured that all is quiet abroad—it is to be hoped so, for we are in

confusion enough at home. Nothing has been done anywhere—our consuls, envoys and ambassadors have been suffered to loiter at home, instead of repairing to their stations. Even the Manilla Ransom has disappeared from the King's Speech. Burke was especially indignant at the recommendation to the Houses to cultivate "a spirit of harmony." He asked, were we to look to Ministers for an example of harmony? Is it not notorious that they only exist by creating divisions among others—separating friend from friend, brother from brother? They mean they hope we shall unite in supporting *them!* A sort of union which I hope will never prevail in a free Parliament!

It was Conway who had put forward Mr. Townshend's death as the reason why Ministers had not been able to devise a scheme for the relief of the poor. Mr. Townshend's plan, he said, "was lost with him." His lamented friend had promised to prepare one, but it was impossible to find a successor to his abilities. It was a miserable exhibition, and Burke's attack was emphasised by a Petition from the City of London on the high price of provisions. There were other petitions—from the provinces. All the House could think of was to continue the ineffectual laws of last session, prohibiting the exportation of corn, and allowing importation from America.

Hitherto, Colonial affairs had been a branch of the Southern Secretary's department. At the end of 1767, Grafton proposed to divide the office, and appoint a Third Secretary for the Colonies. Moved by not receiving till December 11 papers from New York which reached the Southern Office on October 3, he told Shelburne that the present arrangement was too much for any man—"a Solomon could not do it." So Hillsborough was appointed, and soon after Shelburne was dismissed. Then Conway resigned—high-minded[1] but vacillating Conway, the only man of whom Horace Walpole never spoke ill, but who could never say No unless Pitt was there to back him up. All the Rockinghamites were now got rid of, and a good many of the Bedford Whigs were in their places. But the Cabinet had no soul, and very little life. Intrigues went on, but no one understood them except the King. America was becoming more and more the crucial question—one attempt at coalition after another had split on the rock of conciliation. The Rockinghams, the Bedfords, the Grenvilles could never agree on America. Even Camden, left without his great friend's moral support, wavered, and condemned the resistance of the colonists. His great friend himself was becoming annoyed at their obstinacy.

[1] From a delicacy about the negotiations with Rockingham in the summer, Conway had refused to accept the £5000 a year belonging to his Secretaryship.

But for the body of the people, there were questions far more important than the doings of the tiresome American colonists. The General Election, and the affairs of the East India Company, were the topics of conversation at the beginning of 1768, and if America was mentioned, it was only because the non-importation agreement was so prejudicial to the Company.

The Company had got out of one crisis, only to get into another. It had now another war on hand, and had met with some disasters. It had meddled incautiously with Hyder Ali (once "a corporal of seapoys," now a powerful sovereign). It would have been wiser to leave the Mahrattas to worry him. Hyder had overrun all the country from Bombay to Madras, and in September, 1767, could have captured the whole of the Company's government, if the five thousand horse who appeared before Madras had been less intent on looting.

It was an extraordinary situation—"twenty-four gentlemen in Leadenhall-street," administering an empire, while another empire tried to make them share the spoils. A Company so rich that the British people were assured its revenues—could Government but get hold of them—would pay off the National Debt, and abolish the land-tax for ever, and most other taxes too; yet so burdened with debts as not to have a halfpenny of ready money. East India Stock fluctuating between 260 and 270, when Bank of England Stock was only from 160 to 170. Thirteen million pounds of tea spoiling in the cellars of Leadenhall Street; six and a half million more pounds expected in fourteen ships from China—twenty million pounds in all, enough for three or four years' consumption, but little sale for it, because the duty made tea a hundred per cent. dearer in England than in foreign parts. Half the bohea drunk in England was never sold by the Company, and never made the acquaintance of a revenue officer, or paid a penny of duty. And all these millions of pounds of tea locked up, though the Revenue Act took off one shilling in the pound sterling for the next five years, on both black and singlo teas. And if the tea could not be worked off somehow, the East India dividend must fall below 6 per cent.; and in that case the country (meaning the Chancellor of the Exchequer) will lose the £400,000 yearly tribute, paid by the Company out of the revenues of Bengal. America was the natural market for this tea—and America had made a non-importation agreement. The country began to lose patience.[1]

"[1] The indignation of the English is like that of the Scythians, who, returning from war, found themselves excluded from their own houses by their slaves."—DR. JOHNSON.

The first parliamentary event of the new year was the extraordinary case of the Mayor and Council of Oxford, who, in view of the approaching General Election, had written to their members, offering to return them to the new Parliament for £4000 down. This, they explained, would enable the Corporation to discharge the City debt, and would save Sir Thomas Stapleton and the Hon. Robert Lee the "opposition, animosity and confusion" of an election. The two members thanked the Corporation for giving them the preference, but, "as we never intend to sell you, so we cannot afford the purchase." They laid the Mayor's letter before the House. The Magistrates who had signed it were commanded to appear, were committed to Newgate, and had to ask pardon on their knees at the Bar.

After this exhibition of virtue, Parliament turned to the Nullum Tempus Bill—pending since 1767. For nearly seventy years the Duke of Portland had held the Honour of Penrith, always supposed to carry with it Inglewood Forest and the Manor of Carlisle. In 1767, Sir James Lowther, another great Cumberland landowner, memorialised the Treasury—the forest and the manor had long been held with no benefit to the Crown, and Lowther suggested as a remedy that he himself should have a lease of them for three lives. One part of the benefit to the Crown would have been the votes of the tenants. Portland was not a supporter of Administration; Lowther was. The question was whether the title of the Crown had lapsed. It used to be said that after sixty years the King himself could not take away a man's land; but the claim was based on the maxim, *Nullum Tempus occurrit Regi.* As all land in England has belonged to the King at one time or other, the Crown could thus claim any man's estate, on the ground that it once belonged to William the Conqueror. The people saw this, and the Duke of Portland's rights became the rights of every man. The Nullum Tempus business was one more attempt to exalt prerogative; and it was said to be intended to do this in a twofold manner, for Portland was a staunch Whig, and many believed that his lands were to be bestowed on Lowther, in order to strengthen Lowther's "interest" and lessen the Duke's at the approaching Election.[1] The instant effect of the Bill would be to give the

[1] "One fatal mark seems to be fixed on every measure. . . . The extraordinary step you took to make Sir James Lowther lord paramount of Cumberland has ruined his interest in that country for ever."—*Junius to the Duke of Grafton*, April 10, 1760.

It was said that the Treasury set to work to worry the Duke out in a way only worthy of a low attorney, who resorts to sharp practice when his client's cause is dubious.

Crown the power of controlling elections, by resuming lands and re-granting them to its supporters. This made the Bill so odious, that though Sir George Savile's Bill, limiting the claim of the Crown, was lost on the second reading, the Court party was afraid to use its victory, and the question was put off till a new Parliament, with a long life before it, should remove the necessity for caution.

Almost the last act of the old Parliament was to renew the East India Company Restraining Bill. In spite of strong pressure in Parliament and out, the Bill passed by a very great majority.[1] The Directors, at their next Court, voted to reduce the dividend to five per cent., everybody to be forgiven, and all prosecutions dropped for anything which commanders and officers of ships might have done in the Company's service. And then, determined that the new Parliament should not serve them as the old had done, they set to work in such earnest to make themselves friends of the Mammon of Unrighteousness, that the Thirteenth Parliament of Great Britain enjoys the distinction of having been bought more dearly than any Parliament before it. Two millions sterling was the sum named as having changed hands at the General Election of 1768. Yet such are the surprises of political cause and effect, this dear-bought "Unreported" Parliament[2] was to be the one which broke down the rule of secrecy, and instead of punishing, rather encouraged the immediate printing of speeches delivered at its sessions. Up to then, such reports as we have are contained in private letters, and notes furnished by speakers, or printed in transparent disguise in the great magazines of the day. Such accounts are veiled in more or less mystery, as the temper of Parliament varied. In 1732, Sir R——t W——le spoke for the Salt Bill (imploring some consideration for unhappy freeholders, groaning under 2s. in the pound land-tax); and Mr. C——r of the E——r spoke against the Bill to exclude Placemen. But in 1736, the Editor of the *Gentleman's Magazine* expresses his gratitude "for any authentic intelligence in matters of such importance and tenderness as the Speeches in Parliament," and regrets that he has not been able to get them this month—hopes to have them by next. Soon after the candid reader is reminded of the "difficulty (and sometimes danger) of publishing speeches in Parliament"—the Editor hopes the very words will not be expected. And in 1738, he has grown so cautious that we have the Debates of the Senate of Magna Lilliputia, sitting at Belforborac, in the 11th Moon of the Reign of

[1] February 17, 1768.

[2] Sir Henry Cavendish took very full notes of the more important debates, but these were not published till 1841.

the Emperor Gorgenti II; and Hugo Pulnub (leader of the high-heeled or patriotic party) and Tsahom Wintinnong (who had ratted to the fiscals) are reported at great length. Instead of a petition from the Merchants of London respecting the Trade to the North American Colonies—as in 1767—we have in 1738 the Merchants of Mildendo petitioning on the Trade to the Lilliputian Plantation in Columbia; and instead of the Lord Mayor of London, we have the Prætor of Mildendo, and Gumdalua, Lettyltno and Feaucks speak in the debate. But as soon as calm is restored after the Forty-Five, we return to the loud whispers of 1732, and listen to Mr. P——m and Sir J——n H——d C——n.

In old days, the secrecy of debate was the security of Parliament —almost its only safeguard against the impeachment of its members for treason. As to an appeal to public opinion, before Culloden public opinion was so nicely balanced that it was safer not to appeal to it oftener than could be helped—for which reason Parliaments had been made septennial.

But when Mr. Wilkes became the idol of the public, all was changed. The Whig members of the High Court of Parliament were now as eager to appeal to the higher court of the People, as they had formerly been shy of doing so,—with the people at their back publicity was a defence, not a danger. And so John Wilkes was the godfather of public opinion in England in the eighteenth century. He was not an entirely satisfactory champion of Liberty, but he was its champion, and other causes besides Liberty have had champions as unsatisfactory; even if he was the kettle, there were plenty of Cabinet Ministers who might be called the pot. Sandwich was hardly the man to rebuke Wilkes.

The Twelfth Parliament was dissolved March 12, 1768. It died neither respected nor regretted. In its seven years of life it had been the docile tool of five Administrations—Pitt's, Bute's, Grenville's, Rockingham's, Grafton's. Charles Townshend had played upon it any tune he chose. The more rash and violent the measures laid before it, the more eager it was to support them. It passed the Stamp Act, almost in its sleep; but offered some opposition to repeal. Since then, it had wobbled with the wobbling Cabinet—had been now for conciliating, now for coercing America, but had never had any well-defined plan for either conciliation or coercion.

CHAPTER XVII

BOSTON

"The old world had not its parallel. It counted about 16,000 inhabitants of European origin, all of whom learned to read and write. Good public schools were the foundation of its political system. . . . As its schools were for all its children, so the great body of its male inhabitants of twenty-one years of age, when assembled in a hall which Faneuil, of Huguenot ancestry, had built for them, was the source of all municipal authority. . . . A property qualification was attached to the right of voting, but it was so small that it did not change the character of the suffrage. There had never existed a considerable municipality, approaching so nearly to a pure democracy; and, for so populous a place, it was undoubtedly the most orderly and best governed in the world."—*Bancroft's description of Boston, Massachusetts, History*, iii. p. 327.

WITH the passing of the Revenue Act, a change came over the tone of the Colonials. Up to now they had accepted the restrictions laid on their trade as a necessary evil, a Law of Nature to which the colonies of all nations were subjected. These restrictions must with time and increase of population have become intolerable, but, hitherto, the new country was not ready to make its own manufactures, and was glad to buy ours. But, since the Seven Years' War, a new system had been inaugurated—a system which placed the Colonies on an altogether different political footing. Until now, the provincial Assemblies had been parliaments in exactly the same sense that the Parliament of Westminster was a parliament. When revenue was required, the Assemblies were informed of it, in the same way that the same thing was made known at Westminster, and they raised the money voluntarily, in the same sense that the Parliament of Westminster granted Supply voluntarily,—themselves choosing the ways and means of raising it. The colonists demanded the continuance of this policy. To the last moment of the connection with Great Britain, they protested that they were ready to continue the loyal subjects of the King of England, but absolutely refused to become the subjects of the Parliament of England. There was neither hypocrisy nor inconsistency in the distinction—it was perfectly clear and logical, and showed a grasp of political

principles which the majority of our own Liberal politicians have even yet very imperfectly attained to. They saw—what we still refuse to realise—that the government of one people by another people is a farce, which very easily becomes a tragic farce—that it results inevitably in the irresponsible tyranny of a little handful of officials, who can always reckon on no too-searching inquiry being made into their conduct on the other side of the world. The only logical answer to the colonists would have been to tell them candidly that henceforth their provincial Assemblies must cease to be legislative, and exist only to pass such Bills as the Royal Governors, acting under instructions from England, should put before them. Ministers presently saw this themselves, and began to talk about revoking the Charters. It was no pedantic stickling for etiquette that made the New York Assembly refuse to vote anything for the troops, except in a manner which should show unmistakably that it did so of its own proper motion—the distinction was vital, and, as they justly said, constituted the difference between liberty and slavery.

It seemed at one time that Canada also would be provoked into rebellion. The statesmen who presided over our affairs thought that the best way to reconcile a people to a change of government was to make the change as conspicuous as possible. So they had abolished the old French laws—which the people understood, and established British law, which was no doubt infinitely superior; but unfortunately the French of Canada did not understand it, and they felt their property less secure than before. Next the "Protestant" party in England tried hard to introduce some of the penal laws enjoyed by Ireland. Luckily for British rule, saner counsels prevailed, and, in spite of much Protestant protestation, the Catholics of Canada were allowed to sit on juries without renouncing their religious beliefs. A time was at hand when the fiercest Protestant must have been very glad that we gave up the idea of inaugurating our rule in Canada by treating Canadian as we did Irish Catholics. At the same time it must have been difficult to account for not doing so. If right in Ireland, why wrong in Canada?

There was another religious question in debate at this time. As though a political quarrel was not enough to demand all our energies, it had been for some years seriously contemplated to establish the Church of England in the Colonies, and a "Bishop of North America" had been talked about. The proposal caused considerable stir and a very strong feeling of opposition, but the political situation was very shortly to become so acute that the

appointment of a Bishop of North America was deferred to a more convenient season. Considering that the Colonies of New England had been founded by persons who crossed the seas to avoid Bishops, a more impolitic idea could hardly have been entertained. It had the same motive as the rest of the Mother Country's dealings with her children at that time. The constitution of the churches of America was much too democratic and independent to please statesmen always on the look-out for the first signs of any attempt to throw off allegiance to the British Crown. The bogey of "Independence" was always being brought out to frighten us into "putting our foot down," and the King and his Ministers thought that an Established Church would greatly promote obedience and loyalty. It seemed at one time as though the rupture might come on this question, but the tide of events soon swept it away, and but for a few references to the plan in the letters of Ministers of State, we might forget it was ever proposed to ask the Colonies to endow an Episcopal Church.

By May of 1767, the Colonies knew that there were to be fresh taxes, and on October 19 they heard in Boston that the Revenue Act was now law. On the 28th, "the freeholders and other inhabitants, legally assembled in Faneuil Hall," considered what could be done. Hutchinson says it was believed that the Non-importation Associations had alarmed the English merchants, and induced them to petition for the repeal of the Stamp Act; and it was hoped that the like Associations would have the like effect this time also. The Hon. James Otis, Hutchinson's old enemy, was Moderator of the meeting. A petition was presented praying that effectual means might be taken to promote "industry, economy and manufactures, thereby to prevent the unnecessary importation of European goods, which threaten the country with poverty and ruin." The "very large and full" meeting voted unanimously to encourage in all prudent and legal ways the produce and manufactures of this province, and to lessen the use of superfluities, and particularly of the following articles, imported from abroad, viz., loaf sugar, cordage, anchors, coaches, chaises and carriages of all sorts; horse furniture; men's and women's hats, gloves, shoes, and ready-made wearing apparel; household furniture; sole-leather, sheathing, and deck-nails; gold- and silver-thread lace, gold and silver buttons, wrought plate, diamonds, watches and clocks; broadcloths at above 10s. the yard; muffs, furs and tippets, and "all sorts of Millenery ware"; women's and children's stays; silk and cotton velvets, gauze, lawn, cambric, and silks; fire-engines, china-ware, snuff; mustard, glue, oil, malt liquors, cheese

—a list which serves to show how vast a trade the English merchants stood to lose if the American market was cut off. And to encourage home-manufactures, merchants handed round samples —starch ("Poland, and the common sort"), hair-powder ("of the best sort"), glue and snuff ("like Kippen's")—all made in Boston, and all pronounced very good.

Great was the wrath in England. Angry letters in the newspapers and magazines denounced the weakness which had repealed the Stamp Act, and taught the Americans to think we were afraid of them. We are in the power of our debtors, exclaims a writer in the *Gentleman's Magazine*; this is an inversion of the natural order of things! We repealed the Act lest we should lose our outstanding debts—it was *ne moriare, mori*—we have cut our throats to save our lives. The taxes on trade to pay the interest on over a hundred and thirty millions of debt are so heavy that our manufactures no longer find a foreign market—we are undersold and beaten out where we once had almost exclusive possession. We thought an exclusive commerce with our colonies ("in whose cause a great part of the very encumbrances which have destroyed our foreign trade were undertaken") would have rewarded us for our losses. We thought the Americans would be grateful for all we have done for them—to say nothing of their being our blood, and their interest being to stand by us. We thought they would have made up any deficiency in our revenue from customs. But vain, pernicious ideas of independence and separate dominion have got hold of them, fomented by designing seditious spirits there, and treachery and folly here—and they are uniting to prohibit our manufactures! And of course all the other colonies will follow their example, and if the present weak, false, and pusillanimous Ad——n are suffered to go on abetting the colonies against the mother country, our children, if not ourselves, will have to surrender to the Americans—nor will it be long first. If this combination is not illegal, it ought to be made so—you can't compel people to buy, but you can make combination illegal. "A tumultuous people" must be awed by a vigorous and steady exertion of the authority of Great Britain. They have trampled on us because we submitted to them.

CHAPTER XVIII

"THE CIRCULATORY LETTER"

"The enemies of the colonists . . . my Lord, are equally the enemies of Britain."—*Letter from the House of Representatives of the Province of Massachusetts to Lord Chatham, signed by the Speaker*, Feb. 2, 1768.

"It is moreover their humble opinion, which they express with the greatest deference to the wisdom of the Parliament, that the Acts made there, imposing duties on the people of this province, with the sole and express purpose of raising a revenue, are infringements of their natural and constitutional rights."—*Circulatory Letter sent from the House of Representatives of Massachusetts Bay to the Speakers of the respective Houses and Burgesses on the Continent of North America*, Feb. 11, 1768.

"We have for a long time known your enmity to this province. We have full proof of your cruelty to a loyal people . . . when you had, by your judicial insinuations, induced a worthy Minister of State (Shelburne) to form a most unfavourable opinion of the province in general, and some of the most respectable inhabitants in particular; you had the effrontery to produce a letter from his lordship, as proof of your success in calumniating us."—*A Supposed Libel on the Governor of Massachusetts Bay*, published in the *Boston Gazette* of February 29, 1768.

"It gives great concern to his Majesty to find . . . that a thin House at the end of a Session should have presumed to revert to a measure of so inflammatory a nature as that of writing to the other colonies."—*The Earl of Hillsborough to Governor Bernard*, April 22, 1768.

FOUR days after the death of Charles Townshend, the Commissioners of Customs in America were appointed, and very soon afterwards they sailed. Among them was Mr. John Temple, a gentleman who knew America well; his family held estates there, and he himself had married Bowdoin's daughter. He was always friendly to the Americans, and was hereafter to play a dubious part in a very dubious incident.

It so happened that for a month after the Commissioners arrived, no dutiable articles came in, so they had nothing to do, and all was so quiet that Bernard wrote a favourable report to Shelburne of this good behaviour. He had hardly despatched his letter, when a ship arrived with Shelburne's answer to a former one. Shelburne censured the Assembly, and named several members.

He thought it very extraordinary that a person of the Lieutenant-Governor's very respectable character—whose learning and abilities had been exerted in the cause of America—met with so much ill-will. Bernard had the letter read to the Assembly, but refused to allow a copy to be taken. So it was printed from memory, and afterwards from the copy entrusted to the Speaker on condition no other copy was taken. A violent attack on Bernard appeared in the *Boston Gazette*—charging him with "a diabolic thirst for mischief," and with giving a worthy Minister of State a bad opinion of the whole province—and then having the effrontery to show a letter from his lordship, to prove the success of his calumnies. Bernard laid the matter before the Council—up to now, he said, he had treated the *Gazette* with the contempt it deserved, but this was going too far. The Council—now packed with a good many of the Governor's friends—called it "an insolent and licencious attack on the King's representative"; but the Assembly talked about the liberty of the Press, and drew up a letter to Shelburne, entreating to know of what they were accused, and who was their accuser—hinting pretty plainly that it was the Governor. On March 4, Bernard prorogued them, and took the opportunity of lecturing them on their behaviour, and especially on their "extraordinary and indecent observations on a letter wrote, as I may say, in the presence of the King himself." He had hoped, by his manner of communicating the letter, it need never be known "out of the general Court." They had only themselves to thank that it had been dragged into public.

The Assembly drew up an Address to the King, and wrote letters to the chief members of Opposition, and to their few friends in the Cabinet—Chatham, Conway, Camden and Rockingham—entreating their interest to get the Revenue Act repealed. The King was very angry when he learned this, and still more angry at the "Circulatory Letter," which the Massachusetts Assembly sent to the other provincial Assemblies, begging them to take "such constitutional measures as they judged most proper." The King called this "an unwarrantable combination." The differing constitutions of the Colonies had always been relied on to keep them apart—the slightest move towards concerted action was suspected to cover a wicked design of independence.[1]

The Assembly did not know that Shelburne was no longer Secretary—he was already dismissed when his last letter to Bernard

[1] "Fire and water are not more heterogeneous than the different colonies in North America. Nothing can exceed the jealousy and emulation which they possess in regard to each other."—*The traveller Burnaby*, 1759–60 (Archdeacon of Leicester).

was read to the indignant Assembly. By the changes made since the death of Charles Townshend, all who were for conciliating America had been weeded out of the Cabinet, and in their places were North, Gower, Weymouth, Rochford, Hillsborough—all to be the King's ready instruments in substituting brute force for moral. Hillsborough came in, as he said, determined to be FIRM.[1] He began at once. He it was who obtained for Hutchinson a grant of £200 a year out of the new duties—that he might be more independent of the people. He did not think—or did not care—in what a light this would place the already detested Lieutenant-Governor. He and Bernard corresponded in secret, planning how to reconstruct the Council, control the Judges, and —as soon as it should be safe to do so—take away the Charter. Bernard was playing a double game—he showed the Council a letter to Hillsborough, recommending the Petition for relief from the Revenue Act; but he did not tell them he had written another, advising that there should be neither total nor partial repeal.

The good effect of the repeal of the Stamp Act was all but frittered away. On the anniversary of the repeal, effigies of Paxton and another revenue officer were found hanging on Liberty Tree, but the friends of the people took them down. There was "a temperate festival," and—since those who are contending for their own liberties ought to show sympathy with others engaged in the same struggle—they drank to Paoli and the Corsicans. Also to the memory of Brutus and Hampden. But though Bernard represented that hundreds were parading the streets with yells, Gage thought the disturbance trifling; and though in the evening a mob assembled outside the Province House, it dispersed after a little verbal abuse of the Governor.

Just about this time, Dr. Franklin, who had a sly humour of his own not equalled since Defoe wrote his *Short Way with Dissenters*, published two satirical "pieces," which attracted much attention.

[1] At an interview on January 16, 1771, Hillsborough told Franklin that Hutchinson had refused his assent to the Bill making Franklin Agent for the House of Representatives of Massachusetts. "Not a Bill, my lord—it was a Vote of the House," said Franklin. But Hillsborough refused rudely to acknowledge him, and would not read a word of the copy of the Vote, which Franklin handed to him, and said it was an offence to give it. "When I came into the administration of American affairs I found them in great disorder. By my firmness they are now something mended; and while I have the honour to hold the seals I shall continue the same conduct, the same firmness. . . . If that conduct is not approved . . . I shall make them a bow, and thank them; I shall retire with pleasure." Franklin says he worked himself up until he was pale with anger.—Biglow's *Life of Franklin*.

One of them was even taken seriously—as happened also to Defoe. One was entitled, *Rules for Reducing a Great Empire to a Small One*; the other, *An Edict by the King of Prussia.* In this latter the Great Frederick was made to announce to all present and to come, that, whereas the first German settlements in the Island of Britain (led by Hengist, Horsa, and others) were by colonies of people subject to his renowned ducal ancestors, and never emancipated from that subjection; and whereas the said colonies had hitherto yielded him little profit, though he had defended them from France, it was just and expedient that a revenue should be raised from the said colonists—who would have had to pay taxes, if they had remained in Germany. Wherefore he was about to levy certain customs—enumerated at great length, with perfect gravity, ending with minute provisions forbidding the islanders to make their own beaver furs into their own hats; and graciously explaining how—lest they should thereby want for hats—they would be permitted to send their furs to Prussia to be made up there, all costs of manufacture, commission, and transit to be of course defrayed by the islanders. In all this Franklin was exactly transcribing the laws passed by the British Parliament to restrain the hat trade in North America; and he was wicked enough to make the conqueror of Rosbach refer to the Statutes of 10th and 11th William III, 4th George I, and 5th and 23rd George II. Some simple-minded persons were much disturbed, until assured it was only one of the great philosopher's jokes.

CHAPTER XIX

THE SOLDIERS COME TO BOSTON

"It only needs one steady plan, pursued a little while."—Hutchinson, *History of Massachusetts.*

"The Committees, considering themselves only as so many private fellow-subjects convened from divers towns, at the request of their inhabitants, have made known to each other the loyal and dutiful disposition of the same; and their desire that no irregular steps should be taken by the people. . . . We, from the bottom of our hearts, disclaim and detest all pretences of 'usurping' any of the 'rights of sovereignty,' but also of arrogating to ourselves any the least authority whatever."—*Report of the Committee appointed by the Convention,* Sept. 26, 1768.

"We wish to avoid severities towards you; but, if you refuse obedience to our laws, the whole fleet and army of England shall enforce it."—*Reply of Lord Hillsborough to the Agent of Connecticut, who had presented the petition of that Colony.*

"We have no fondness for the acts complained of; particularly, the late duty Act is so anti-commercial that I wish it had never existed; and it would certainly have been repealed had the colonies said nothing about it, or petitioned against it only on the ground of expediency; but the principle you proceed upon extends to all laws; and we cannot therefore think of repealing it, at least this Session of Parliament, or until the colonies shall have dropped the point of right."—*Statement made by Lord Hillsborough to the Colonial Agents,* Dec. 6, 1768.

WHEN Election Day came, the Company of Cadets—raised by Governor Burnet, as the Governor's bodyguard—refused to attend the usual dinner if Hutchinson were invited.

The new Assembly met on the last Wednesday in May, 1768. Bancroft says it was more kindly disposed to England than any Massachusetts Assembly for seven years. The two parties in it were nearly equal. Parson Shute, of Bingham, preached the sermon, denied the supremacy of Parliament, and justified resistance to laws not based on equity. But when the first ballot for the Council was taken, Hutchinson had sixty-eight votes, where he needed but seventy-one. Samuel Adams rose to ask if the Lieutenant-Governor was a pensioner—the question was aimed at the £200 a year lately granted by a secret warrant, under the King's sign-manual, to the Commissioners of Customs at Boston. Otis exposed the fact that

the new revenue was being spent in corruption, and at the second ballot Hutchinson was rejected, to Bernard's great mortification.[1]

Immediately afterwards occurred the affair of Mr. Hancock's sloop, the *Liberty*—an event chiefly important on account of the indignation it aroused in England against the colonists.

The new Commissioners had done very little business, and for some time had made no seizure of any value, though the Act was openly set at defiance. A cargo of Madeira—the duty was £7 the tun—was landed one night, and carried through the streets by "thirty or forty stout fellows" armed with bludgeons, no officer venturing to interfere. Several other cargoes were smuggled in soon after, and Hancock's sloop *Liberty* was daily expected from Madeira, and it was openly said that no duty would be paid on her cargo. When she arrived, entry was made of four or five pipes only —as though that were her whole freight. The rest was landed the same night,[2] and no duty was demanded. Everyone in Boston knew this. Several days passed, and the *Liberty* had taken in a quantity of oil and tar, as if for another voyage, when suddenly on Friday, June 10, she was seized for the false entry, and the goods aboard her were also seized, for want of a permit from the Customs. This happened about sunset, "when many people, who had left their work, were upon the wharves." The officers, fearing a rescue, signalled to the *Romney* man-of-war, and a boat with armed men came to their aid. The *Liberty* was towed out into the harbour, and anchored under the *Romney's* stern. A crowd soon gathered. It was known the *Romney* had come at the request of the Commissioners—known, too, that she was improving the occasion to pick up seamen. There was a rowdy element in Boston—the men at the rope-walks were a rough lot, and besides them there were "all sorts of expatriated vagabonds," and their numbers were swollen by the continued importation of bond-servants from Ireland and elsewhere. As the Commissioners returned home they were set upon "with clubs, stones, and brickbats." Hallowell was left on the ground covered with blood. Harrison's son (a youth) was knocked down, and dragged by his hair.

For two or three days there was considerable excitement, but no

[1] In his stead they elected Artemus Ward, General of the Continental Army in 1775.

[2] The tidesman, Thomas Kirk, went aboard her in the afternoon. About 9 p.m. a Captain Marshall, in Hancock's employ, tried to bribe Kirk to connive at the landing of the cargo. On Kirk's refusal, he was overpowered, and confined below for three hours, during which time the wine was taken out. Marshall worked so hard to get it out, that his sudden death in bed that night was attributed to some injury received while removing the casks.

riot, except when the *Romney* pressed a seaman. The man was rescued. Both lawyers and people believed this pressing of New England men returned from sea was illegal. It had never been attempted since it caused a riot in Governor Shirley's time. The Commissioners were frightened—all but one sought refuge on board the *Romney*, and took the earliest opportunity of slipping into the Castle, where henceforth they held their Boards. The Commissioner who did not run away was John Temple, who now began to dissociate himself from his colleagues. The Council persisted in making light of the disturbances, and Bernard could not punish anybody without their consent. This defection so scared the Governor that he received with unwonted courtesy a deputation from a great town-meeting in the Old South, and gave a written promise to stop the pressing.[1] The deputation said nothing about the *Liberty*, nor did Bernard. But he began to urge Ministers to send a strong naval and military force to America. At the time of the Stamp Act he had told the Assembly that things were in "a very nice balance." They were in a still nicer balance now.

Ten days later, on June 21,—while the air was still tingling with these excitements,—a ship from England came in, and presently the Governor sent to tell the Assembly that he had his Majesty's orders to make a requisition which he would communicate in the very words in which he received it. He was "merely ministerial in this business." He heartily wished they might see the expediency of submission—if not, he must do his duty. With this alarming preamble, he laid before them *half* a letter from Lord Hillsborough.

The requisition which Bernard was instructed to make was an order, in his Majesty's name, "to rescind the resolutions which gave birth to the circular letter," and "to declare their disapprobation of, and dissent to, that rash and hasty proceeding." Bernard protested later that he hoped the Assembly would yield, and not oblige him to make known the threat contained in the other half of the letter. It is difficult, however, to reconcile this with the tone of his message, which ends with a distinct intimation that if they refuse he has a "duty" to perform. Of course, the Assembly demanded to see the whole letter. With ostentatious professions of regret, Bernard sent it. It contained an order to the Governor to dissolve the Assembly immediately if it refused to rescind.

[1] The deputation came "in a procession of eleven chaises." Bernard had wine handed round, and behaved with marked civility. Now that he could not rely on a majority in the Council, he adopted a very different tone.

After much deliberation, the Assembly drew up a very long letter to Hillsborough, setting forth the whole case, and distinctly charging Bernard with having once more misrepresented them.[1] This letter was read several times to the House, and adopted by 93 to 13; a resolution, refusing to rescind, was adopted by 92 to 17 in the fullest House ever remembered. Bernard had now no choice. This time he seems to have really wished to proceed mildly. He first prorogued, and then, as it continued impenitent, dissolved the Assembly.[2]

By this time Bernard wished he had never exchanged the peace of New Jersey for the better pay of Massachusetts. He was getting frightened. Ever since 1766 every now and then some letter of his had got into print. It was true that he had never approved of the Stamp Act—he had told Ministers that this was no time to make America contribute, as she would not be out of debt for the Seven Years' War for another four years. He had then suggested that thirty delegates from the Continent, and fifteen from the islands, should go to England, to discuss "terms of relation" between Great Britain and her Colonies. But though he had thought the Stamp Act ill-timed, he had always been clear that the Colonies were not sufficiently subordinated to the Mother Country. He thought the Charters a mistake.[3] He was always lamenting that the Judges and great Colonial officials were not appointed and paid direct from England, and were not *ex-officio* members of the Cabinet. He had continually advised the taking away the Charter of Massachusetts, and altering the whole form of government. His idea of what the government should be pretty nearly corresponded to the form we know as a "Crown Colony." He was trying to exchange once more, and had half a promise of the vice-governorship of the great province of Virginia. Meanwhile, he had asked for a furlough to visit England. These last commotions made him fear it might not come in time—yet if he took French leave he would forfeit his salary. He resolved, if Boston grew dangerously hot for him, to retire to Halifax and await his leave there.

[1] The letter was written by Samuel Adams. The House had both lists printed. "One list was handed about with every expression of honour and applause; the other, like the list of the Straffordians in the last century, was hung up in contempt and derision. The number 92 was auspicious, and 17 of ill omen, for many months, not only in Massachusetts Bay, but in most of the colonies on the continent."—Hutchinson, *History of Massachusetts.*

[2] July 2, 1768.

[3] "Governor Bernard says, there is too much democracy in the government of Massachusetts Bay."—EDMUND BURKE.

The Assembly was got rid of for near a year, but there were still the town-meetings, and Otis and Adams were influencing the merchants—a surprising and unaccountable fact, "as they had no connection with commerce." The non-importation resolutions were the chief subject of debate at these town-meetings. Committees had been appointed to "carry about a writing," and get signatures to a promise not to import British goods. Hitherto these engagements had been conditional on the other colonies doing the like; but this time Massachusetts was pledging herself unconditionally.

On the 14th of August—the day the stamp-master had been compelled to resign—a vast concourse assembled at Liberty Tree. There was a procession to Roxbury, and an entertainment, and Hutchinson says that persons who had been immediate actors in the riot took part in this celebration.

A more decisive event was at hand. General Gage, then at New York, was ordered to move "one or two of the regiments at Halifax" to Boston. This order came out by the July packet from England, and therefore was not given on account of the affair of the *Liberty*. In fact, Gage had been ordered months before to move these regiments whenever Bernard should apply for them. Bernard—after exacting a promise of secrecy—had laid this order before the Council, and asked their advice. They advised him not to apply, and he did not. Hutchinson is very earnest on this point. "These first troops," he says, "were ordered by government in England, of their own mere motion." This was the first direct appeal to force, and it was made to enforce the Revenue Act.

There was no attempt to conceal that troops were on their way. Early in September an officer arrived to make arrangements for their reception. The *Senegal* and the *Duke of Cumberland* sailed, and Bernard let it be known they were gone to Halifax to fetch the soldiers. Immediately the old beacon, used in former times to alarm the country when an enemy's ships hove in sight, was made ready to signal the arrival of "the fleet from Halifax"; and a town-meeting was called in Faneuil Hall. On the day of meeting, four hundred rusty old muskets in boxes lay on the floor—brought from the lumber-rooms where they had lain for years. When Dr. Cooper had opened the meeting with prayer, James Otis was elected Moderator. Pointing to those boxes, he said, "There are the arms—when an attempt is made against your liberties, they will be delivered." The meeting resolved never to yield the great point of government by consent. Taxes must be levied not by a standing army, but by free consent of the people. A Committee was

sent to ask the Governor his grounds for saying the soldiers were coming, and to request him to issue precepts for a General Assembly. Bernard replied that he heard the news "in a private way," and declined to call an Assembly.

On the 14th arrived another ship ("forty days from Falmouth") with news that England[1] was very angry, that three regiments were on their way, and that fifty State prisoners were to be sent to England for trial. Boston resolved to call an Assembly for herself. The Selectmen issued a circular letter to every town of the province, inviting committees to come "and give sound and wholesome advice," and "prevent any sudden and unconcerted measures." They also appointed next Tuesday as a solemn fast, "to pray for that wisdom which is profitable to direct." It was also voted that all inhabitants should arm—*as many apprehend an approaching war with France.*[2]

The "Convention"—Hutchinson will not call it an Assembly—met in Faneuil Hall on September 22, 1768. Ninety-six towns and eight districts were represented, but the town of Hatfield had refused to come, and had entered a protest.

Cushing was elected Chairman. The first proceedings were so moderate—disclaiming any pretence to "governmental acts," and only praying the Governor to call an Assembly—that Bernard took courage, refused to receive their petition, and sent a message warning them of the great danger they were placing themselves in—ignorance of law might excuse the past, but a step further will take away that plea. The King means to assert his rights, and those who persist in usurping them will repent of their rashness.

The Convention broke up September 29. The day before advices had come that the fleet from Halifax—the men-of-war and transports, with Colonel Dalrymple and Colonel Carr, and the 14th and 29th of the line—had arrived in Nantasket harbour. There were about 900 men in all, collected from several parts of America. The fleet had narrowly escaped shipwreck off Cape Cod. On the 29th it anchored near Castle William. Bernard summoned the Council to the Castle, letting them know that the officers of his Majesty's fleet and army would be present. The Council attended, but refused to consent to the troops being brought into Boston. There were barracks at the Castle quite sufficient to receive them

[1] Hallowell had gone to England and given a full account. On July 26, Thomas Whately wrote to Grenville: "The alarm about America is very great. The Stocks have fallen two-and-a-half per cent. on it."

[2] This referred to a recent "incident." A French ship in the Downs had refused to salute, and had been fired into.

all. Feeling the military behind him, Bernard was "uncourtly and even rude," but the Council were firm. Early on the 30th, a number of boats were observed taking soundings round the town, and at three o'clock the *Launceston*, 40 guns, *Glasgow*, 20, *Mermaid*, 18, *Beaver* and *Senegal*, 14, and *Bonetta*, 10, and several armed schooners, with the *Romney*, 60 guns, and the other ships of war already in harbour, came up and anchored round the town—"their cannon loaded, and springs on their cables, as for a regular siege." The whole fleet was under Captain Smith. Boston was now surrounded by fourteen men-of-war.

On October 1, a rumour ran through the town that Boston had been represented to General Gage as in a state of rebellion, and that Gage had sent word more troops were coming from New York. By this time Sheriff Greenleaf and his deputy were busy pressing carts, etc., and it was reported that the troops were to be encamped on the Common—evidently to intimidate the magistrates into finding them quarters, though the law directed under penalties that, until the Castle was full, no troops must be quartered in the town. They were, therefore, as the people said, "flying in the face of an Act of Parliament."

Dalrymple and Smith were for observing the law; an express was sent to Gage for orders. Bernard slipped away to the country, leaving Dalrymple—who "despised his want of spirit"—to shift for himself. About one o'clock the troops were landed at Long Wharf, and Dalrymple marched them to the Common. Each man received sixteen rounds, and they marched "with muskets charged, bayonets fixed, colours flying, drums playing, the train of artillery bringing up the rear." There was great difficulty in finding them shelter for the night, and an attempt was made to persuade the occupiers of the "Manufactory House"[1] to give it up. "Mr. Brown" was ordered to remove within two hours, but the people barred and bolted the doors, and the Selectmen absolutely refused to give quarters in the town. At last Dalrymple appealed to their compassion—the night was cold, one regiment had not got its camp equipage—he asked that it might lodge in the hall and chambers of Faneuil Hall till Monday—this being Saturday afternoon. At nine o'clock somebody opened the doors, and the 14th and part of the 29th were put up somehow—some of them in the very room where the Convention had sat, with those rusty old

[1] The Manufactory House was built after "the spinning craze" of 1718, when a spinning school was held in the open air on the Common. After a time, a solid brick house was built on the east side of Long Acre; but it had long been let out in tenements.

muskets still on the floor. All was quiet on Sunday, but in the evening, by Bernard's order, the Town House,[1] and even the Representatives' Chamber, was opened to the troops. On Monday morning Boston saw the Court House and Faneuil Hall full of soldiers, the Common white with tents, and "alive with soldiers" and counter-marchings to relieve guard—the whole town turned into a garrison.

That day the Court of Sessions met at the Court House, and a motion was made from the Bench that the troops be ordered to remove to a distance from the town. In the afternoon the town artillery was exercised, when their Captain was informed by the officer of the regulars that it was not customary to beat drum or fire after the evening gun. In King Street that day, "the soldiers being gathered," a proclamation was read, offering ten guineas reward to such soldier as should inform of anyone trying to persuade him to desert. It was reported that the Colonel advised the soldiers to accept the money offered as a temptation, but to bring in the offender, "when he would take care it should be the last offer he should make." Nothing was spared to make the town realise that it was virtually under martial law.

That same Monday, at the Council, Bernard showed several letters—one from Dalrymple, another from Gage, another from Lord Hillsborough (again, only part of this last), announcing the despatch of two more regiments from Ireland. The Council steadily maintained the illegality of quartering troops in the town. They were the more resolute because they had seen an expression in Dalrymple's letter, to the effect that there was a bad spirit in the town, and that, *in consequence*, the troops were to be quartered there. They also knew that Gage had said, "he saw no cause to be scrupulous," as the people had resolved to rise in open rebellion. The Council asked Bernard why he supposed the troops were sent? The Governor replied, Those from Halifax, on account of the riots in March; those from Ireland, on account of the affair of the *Liberty*. But the Ministry ordered even the regiments from Ireland before they knew about the *Liberty*. The Council retorted that his Majesty would never have thought such a step needful unless he had received a greatly magnified representation of the riots.

The irritation was kept up. Next day (Oct. 4) Hancock's brig, *Lydia*, which had cleared the Customs and had a pass, was ordered not to proceed to sea without permission from the

[1] The Province House was often called the State or Town House. The Courts were held in a room on the ground floor.

Governor. Next day the Council met again—and had to pass a guard in the passage leading to the Council Chamber. Again Dalrymple demanded quarters in the town, though the barracks were standing empty. On the morning of the 6th the town was shocked to see nine or ten men of the 29th (a disorderly regiment) being flogged on the Common by negro drummers, for "sundry misdemeanours."[1] It was also shocked by the number of doubtful (or not doubtful) women, who had followed the regiments from Halifax. That day the South Battery was, by Bernard's order, delivered up to Dalrymple; and that evening the Governor's portrait in the Hall of Harvard was found with a piece "exactly describing a heart" cut out of the breast.

The Council protested again, a few days later, against the disturbance being used as a pretext for sending the soldiers. As for the affair in March, it was nothing at all—a few disorderly boys went to the house of Mr. Williams, Inspector-General of Customs, on the evening of the anniversary of the repeal of the Stamp Act. Williams and the neighbours persuaded them to go home; they did no mischief at all. The affair of the *Liberty* was a riot, but it was over in a few hours—a few panes of glass were broken, "not more than the value of five pounds." And the barge was burned on the Common, and not as alleged in front of Mr. Hancock's door, and *he* dispersed the mob. The Commissioners need not have taken refuge on the *Romney*, nor have got the *Romney* stationed as though to protect the Castle. Nobody would have hurt them, and they knew it, for they frequently made country excursions, which showed they were not really afraid. The Council wrote all this to Gage, and begged for a full enquiry. Gage replied that "the riots and resolves that were published" had induced his Majesty to order four regiments to this town, "to protect his loyal subjects." He hoped the town would so behave that he could advise his Majesty to remove them.

These New Englanders were bad to deal with. Gage complained that "in this country every man studies law, and any two justices of the peace—the best of them keeper of a paltry tavern—can by law cashier any officer who quarters troops in the town." In the face of this law, Gage dared not act. The troops remained on the Common till the weather grew too severe. Then he had to hire houses, "at very dear rates," and to pay for everything he had, by no means sure that the province would ever reimburse him. The troops in Faneuil Hall were moved to a store on Pitt's

[1] This flogging of soldiers was one of the things which most disgusted the colonists, and alienated them from us.

Wharf, those in the Court House to stores on Griffin's Wharf, and those from the encampment went to Major Green's distillery store, "by Green's lane." This was on October 27, and the same day a man of the 14th was shot for deserting. It was asserted that thirty soldiers had deserted in the month.

By November 1, there were more than four regiments in Boston; but there was nothing for them to do. Hutchinson was pleased to see them—he thought "the red-coats had a formidable appearance." But the desertions continued—the soldiers rather liked the country, and they knew nobody would betray them. Whether by accident or design, the main-guard was posted in an empty house opposite the Province House—"not 12 yards from it"—and two field-pieces happened to point at the very room where the Legislature used to sit. Gage was talking about building barracks on Fort Hill, a flat-topped hill which commanded town and harbour. There was once a fort up there—traces yet remained of the bastions which unlucky Governor Andros held against his rebellious townspeople in the days of James II.

As yet no insult was offered to the soldiers. Governor Wentworth, of New Hampshire, writing to Rockingham on November 18, says that when the troops arrived in Boston the discipline was very strict, and the officers were very careful. No mischief occurred; and at night, as the men were waiting for their quarters, the people brought them food and drink, and next day the soldiers were heard saying, "God bless the Commissioners who have brought us to such a blessed country!" Wentworth adds that there was really no use for this armament, and that "the revenue will not pay half the expense." We shall see that the revenue obtained was £295.

The Council published their reasons for refusing quarters, in the *Boston Gazette*, and sent a copy to Lord Hillsborough. Bernard calls this "the greatest blow that has ever been given to the King's government. . . . Nine-tenths of the people consider the declaration of the Council just."[1]

Meantime, every provincial Assembly, as it met, pronounced against the right of Great Britain to tax the Colonies; and sent

[1] "We have seen justices attending at liberty tree; one to administer an oath to the stamp-master, when he was obliged to swear that he would not execute his office; another to perform the function of toast-master; a third, but lately, to consult about fortifying the town; others to make up a procession of forty-five carriages and ninety-two persons, on the 14th of August last. All these are included in two lists which your Lordship has; that of the five selectmen who signed the circular letter for the convention . . . and that of the eight justices who signed the refusal to billet the soldiers."—*Sir Francis Bernard to Lord Hillsborough*, Boston, November 14, 1768.

petitions to the King, who rejected them all—Virginia's the least ungraciously. To Pennsylvania, Rhode Island, Connecticut and Maryland, he said rudely that "wicked men," who questioned authority, would not be listened to. Charles I himself hardly had a greater aversion to petitions than Farmer George.

In little over six months from the time the Commissioners began to work, it had come to this—that having passed a Revenue Act to increase our revenue, we were obliged to send a fleet and army 3000 miles across the ocean to collect it.

CHAPTER XX

THE COMMONS CONCUR

"Let gentlemen look . . . they will see how well these Americans are versed in the Crown law. I doubt whether they have been guilty of an overt act of treason; but I am sure they have come within an hair's breadth of it. I think Governor Bernard has the merit of stopping them in time. . . . The governor has directions not to send any individuals over, but upon full information."—ATTORNEY-GENERAL DE GREY.

"Though the crimes of the Americans may deserve exact justice, it is not wise to treat them with rigour, and drive things to the extremity. . . . I would not put this power into the angry hand of Governor Bernard. Let not parliament go into that odious work."—MR. CORNWALL.

"Why have the Lords named an act which has a very odd meaning?—an act 'concerning the trials of treasons committed out of his Majesty's dominions'? Will not the Americans say, 'we, then, are out of his Majesty's dominions'?"—GEORGE GRENVILLE.

"You have drawn it out from the stores of Henry the Eighth; which are more dangerous than the arms of Boston."—BURKE.

THE first business (and a very large part of the whole business) of the Unreported Parliament was with Mr. Wilkes. The instant he heard that Parliament was to be dissolved, he returned from his banishment in Paris, and offered himself to the City. The City did not elect him—though he polled 1247 votes; but the County of Middlesex did by an overwhelming majority, and his friends expressed their opinion of the City by breaking every pane of glass in the Mansion House. While they were about it, they also smashed Lord Bute's, and knocked down everybody who declined to bawl "Wilkes and Liberty!" Every house was illuminated. For fifteen miles out of town, Franklin, on his way to Winchester, saw hardly a door or a window-shutter without "No. 45" and Wilkes' name scrawled on it. The King sat up all night, expecting an attack on the palace. This was on March 28. On April 27, when Wilkes was committed to the King's Bench—as a returned outlaw—the mob overtook his coach on Westminster Bridge, took out the horses, and drew the carriage back to the Middlesex side, and so along the Strand and Fleet Street to Cornhill—enormous

crowds all the way—and on to the Three Tuns in Spitalfields, where they kept it up till late. But Wilkes, who always showed great discretion when in contact with the Law, took an opportunity of giving his deliverers the slip, and, disguising himself, reached the prison and surrendered. From that night till the 10th of May, when Parliament met, the King's Bench Prison was always surrounded by a mob; and that day a most determined attempt was made to get Wilkes out and carry him to the House. The military[1] were sent for; the mob was insolent; the soldiers fired. Five or six persons were killed—most of them, as usual on these occasions, entirely innocent—a poor woman selling oranges, a man riding into town on the top of a hay-cart, and so on. The most famous victim was young Allen, a boy of seventeen, who seems to have thrown grass at the soldiers. He fled, was pursued into a stable, and shot dead. His actual slayer got off by a pardonable official device. It is not just to punish the instrument, when the instigators go scot-free; and it was proved in court that Justice Gillam had said publicly in the hearing of the soldiers, "his orders from the ministry were that some men must be killed, and that it were better to kill five-and-twenty to-day than one hundred to-morrow"; and it was also proved that Gillam referred to a letter Lord Weymouth had written to the Justices of Surrey.

The new Parliament only met at that season to renew the Embargo. Then it thanked the Lord Mayor for his conduct during the late disturbances, demanded to be informed why the laws were not immediately put in force against John Wilkes, Esq., an outlaw, for returning to this kingdom; and adjourned till November.

There were many other riots that year. Seamen, watermen, coal-heavers, rioted for more wages. The Proclamation of May 11 says that large bodies of seamen have assembled tumultuously on the wharves, have taken possession of ships ready to sail, unbent the sails, struck the yards and top-masts, and so prevented their sailing.[2] It was no time to lay on fresh taxes.

The chief excitement of the summer of 1768 was connected with America, inasmuch as it concerned the very summary dismissal of

[1] "Scotch soldiers under a Scotch ensign."

[2] "Here mobs of English sawyers can burn sawmills; mobs of English labourers destroy or plunder magazines of corn; mobs of English coal-heavers attack houses with fire-arms; English smugglers can fight regularly the King's cruising vessels, drive them ashore, and burn them, as lately on the coast of Wales and on the coast of Cornwall: but upon these accounts we hear no talk of England's being in rebellion; no threats of taking away its Magna Charta, or repealing its Bill of Rights."—Franklin, in the *Public Advertiser*, about the time of his departure for America.

Sir Jeffrey Amherst from the Government of Virginia—as the Ministry said, in order to have a resident Governor, but Opposition chose to think it was because Amherst was Chatham's friend; and angry writers to *The Printer* declared the true cause was that Amherst had defeated some American scheme of Hillsborough's. (This referred to Lands of the Ohio.[1])

Probably this event had some share in determining another, which once would have convulsed all England, but now made far less commotion than Amherst's removal. On October 14, 1768, the Earl of Chatham resigned the Privy Seal, and withdrew from the Cabinet which had long ceased to be his. To the last, the King did his utmost to retain him—as Lord Privy Seal, Chatham could do little mischief, but if he resigned, who could say he might not take up with Opposition? But Chatham was resolved to go.

The *Political Register* for 1768 has a remarkable and evidently inspired article on the disappearance of the great Minister. "Having found, in a variety of late instances," says the writer, "that his advice was disregarded, his influence in the state at an end, he chose to resign. The principle now adopted with respect to America is said to have been one cause of his resignation." After severe reflections on the foreign policy of the Cabinet, there follows a curious passage on home administration. "Public business for some time executed only by clerks. Men of profligate character, whose fortunes have been dissipated in scenes of lewdness and debauchery, placed in great offices of honour, trust, and emolument. . . . Corruption practised in the most daring and extensive manner. . . . And to crown all, beyond their incomes, they are known to have accepted of an annual £500 out of the minister's pocket-book, under the denomination of secret service, as the reward for betraying their country."

Lord Bristol, a friend of Chatham, took the Seal. And so Chatham's career as an English Minister came to an end. The only possible excuse for his conduct since 1766 is the state of his health. Addington's remedies had driven the gout inward, with terrible consequences to the patient's nerves. In spite of all that was said, he was never mad, but he was in so shattered a condition, so excited, so irritable and unstrung, as to be utterly unable to play any part in a Cabinet which he could not have made a safe and efficient instrument of government, even though he had been always there, and always at his best. It is a tragic story, and England is the worse for it to this day.

[1] Lord Botetourt, "a broken-down gamester," was appointed Governor of Virginia.

The Thirteenth Parliament was in its second session before it considered the affairs of America. Ministers had been rather frightened when they heard of the Convention, and had resolved to try a little conciliation—hence the renewed assurances that the revenue laws should be repealed. But when they heard how short a time the Convention had sat, and how easily the troops had been landed, they took heart again. The Americans were only blustering —they gave in on the first display of "firmness." Hallowell, Comptroller of Customs, arrived, to tell Administration all about the *Liberty*. Examined by North and Jenkinson, he completely reassured them. Resistance to the Acts was not universal—Salem and Marblehead had made no fuss. Once more Ministers resolved to be firm. The Irish regiments must very soon arrive, and then Otis, Hancock, Samuel Adams, Cushing, and the other ringleaders —Bernard had given sixteen names in all—must be seized and brought over to England, to be tried for treason under the 35th Henry VIII.

For at first everybody in England who was not a lawyer had been clear that, in summoning a Convention, the Colonials were guilty of treason. Presently, however, to the great disappointment of everybody, Mr. Attorney-General de Grey said he was afraid it might not be quite treason—these Colonials knew a great deal more law than was good for them, and always contrived to come within a hair's breadth of treason without actually committing it. But in any case, we must mark our displeasure; after which, on a full submission, all may be forgiven. But the provincial Charters must be modified, and the composition of the provincial Councils must be changed. Governors, too, must be made more absolute, and the great Colonial Officers must depend immediately upon the Crown. Meanwhile, on a rumour of Government intending to suspend American commerce, Stocks fell. America owed four million sterling to the merchants of Great Britain.

As much perhaps to quiet the merchants as the Colonies, early in December Hillsborough sent for the Colonial Agents—Franklin among them — and made them the most astonishing speech addressed to men with a grievance since the days of Charles I. He told them that if they would waive the point of right, and ask for the repeal of the new Customs merely as burdensome and grievous, Administration was disposed to come into it. Ministers had no fondness for the Acts complained of—indeed "the late Act is so anti-commercial that I wish it had never existed," and if the colonists had said nothing about it, or only petitioned on the ground of expediency, it would have been repealed. The Agents

replied that they had been strictly charged never to admit the right of the British Parliament to tax the Colonies. In effect, Hillsborough was asking them to allow him to retain the power of making "anti-commercial" laws.

In the Speech from the Throne, on November 8, his Majesty had told the Houses that the spirit of faction in America had broken out again, and that one colony (meaning Massachusetts) seemed to intend throwing off its dependence on Great Britain. Parliament took the hint. On the 15th of December the Lords passed the following Resolutions, moved by the Duke of Bedford :—

1. That the votes and proceedings of the Assembly of Massachusetts, last Jan. and Feb. imported a denial of his Majesty's authority, and were illegal and unconstitutional.
2. That the Circular Letters asking the other Assemblies to join in petition denying the right of Parliament to tax them, are repugnant to the laws of Great Britain, and subversive of the constitution.
3. That the town of Boston has for some time past been in a state of great disorder and confusion, whereby the officers of his Majesty's revenue have been obstructed in executing the laws, and their lives endangered.
4. That it appears that neither the Council nor the civil magistrates did exert their authority to suppress the said riots and tumults.
5. That in these circumstances, the aid of a military force is necessary to protect the civil magistrates and the officers of his Majesty's revenue.
6. That the declarations and resolutions in the town meetings of the 14th of June and 12th of September were illegal and unconstitutional, and calculated to excite sedition and insurrection in his Majesty's province of Massachusetts Bay.
7. That the appointment of a Convention, and the issuing of a precept to the several towns of that province, were proceedings subversive of his Majesty's government, and evidently manifested a design to set up a new and unconstitutional authority, independent of the Crown of Great Britain.
8. That the elections, by several towns, of deputies, to sit in the said Convention, were daring insults offered to his Majesty's authority, and audacious usurpations of the powers of government.

There was some debate, but the Resolutions passed without a division.

The Address was far stronger—even violent—in tone. It spoke of "wicked and designing men," to be brought to "condign punishment," and prayed that all persons, guilty of treason or misprision of treason, should be tried within this realm, pursuant to the 35th of King Henry VIII. Both Address and Resolutions passed without a division.

The Resolutions were sent down to the Commons on Dec. 16,

but the House was so busy with Mr. Wilkes that it did not take them into consideration until January 25, 1769. That day Alderman Beckford presented the petition of the Council of Massachusetts Bay, but the House ruled that the petition was not passed in a legal assembly of the Council, and could only be received as the personal petition of Samuel Danforth, President of the Council, who had signed it. As such it was read. It recited the early history of the Colony, the heavy customs always paid, and the losses in the "last war"—"the loss of men was great, and to so young a country very detrimental, and could not be compensated by grants of Parliament"—and it prayed for the repeal of the Acts made for the purpose of raising a revenue in America. It was ordered to "lie on the table."

On the 26th, Sir George Savile presented another petition—from "William Bollan, Esq., of Boston, in the Province of Massachusetts Bay,"[1] praying that the Resolutions of the Lords may not be concurred in by the Commons. There was a long debate as to whether this petition should be read—Ministers said it was long, and would take too much time; moreover, it contained law arguments, which the House were not good judges of—with other less weighty objections. The reading was lost by 105 to 136. This petition, too, lay upon the table.

Then began "the grand debate." Concurrence with the Resolutions of the Lords was moved. "The debate was very fine indeed," but it ended in an extraordinary and disgraceful scene.

Opposition enlarged on the injustice of bringing a man 3000 miles to be tried for his life—the expenses of such a trial would ruin the richest man in America, even though he should be acquitted. Administration, who knew that Mr. Hancock, of the sloop *Liberty*, was that richest man, could have borne to see him ruined—failing being able to see him hanged, drawn, and quartered; but as they could not well say so, they fell back on the gross ingratitude of the Colonies, their rebellious spirit, and the necessity of marking our displeasure. Treason and rebellion must be put down, and the "republican principle" of Boston must be repressed. And after all, it is unlikely the Statute will ever be put in execution—this proof of our "vigour and lenity" will suffice to bring them to their senses.

The talk of "vigour" made Grenville very angry. "This resolution is so much waste paper." He pitied Governor Bernard, who was ordered "to preserve the law, but to give no offence.

[1] Bollan presented the petition as Agent for the Council of Massachusetts Bay.

Now, sir, how are these contradictory points to be attained?" To whom, sir, are we obliged for this grand plan? In some countries, when a man proposed a law, his name was made known. "I did propose the Stamp Act, and shall have no objection to have it christened by my name." Of all that were with me in the Government, "I never heard anyone prophesy that the measure would be opposed. . . . Do not let us stand shiffle-shuffle between two measures. Do not let us make use of big words, and then suffer ourselves to be laughed at, like Ancient Pistol in the play. You are doing absolutely nothing."

North said, whoever was the author of the measure, he adopted it by voting for it. The not repealing the Act "is in itself a measure that will operate in America, where they have been expecting a repeal." And operate it did, but not as he expected.

The honours of the debate were with Governor Pownall. He attacked the Resolutions of the Lords as false in substance—they were not borne out by the Journals and Proceedings of the Boston Assembly. The first Resolution charged the House of Representatives with passing a Resolution which it had negatived, and which was not upon their Journals; the Third and Fourth, with having abandoned the town to riots during some considerable time —whereas the riot (the affair of the sloop *Liberty*) was a sudden, unpremeditated, temporary affray, over before the magistrates could interpose; the Seventh and Eighth, with a usurpation of sovereign power, by issuing writs to call a Convention. "Those who said this, did not know what a writ was"—Pownall produced one to show them. He pressed the Ministry so hard, that North consented to withdraw the expression, and substitute the words, "writing letters." There was a warm passage-of-arms, during which Mr. Burke reminded the House that it was asserted there was no such resolve as the Resolution brought its charge against; and George Grenville said this was a short question—if there was such a resolution on the Journals of the Boston Assembly, let it be read. Others cried, "Read! read!" "This threw the whole bench of Ministers and clerks into a most ridiculous confusion, as they could not, when now called upon in the face of the House, find any such: the business of the House stood still; one side laughing, the other side in the most shameful perplexity, for more than a quarter of an hour." Mr. Baker moved to adjourn, "to give the gentlemen time to produce their evidence." Pownall showed them how the mistake arose, "but as they were not willing to own it, they rested on Mr. Dyson's amendment. And the chorus-men, who at proper times call for the question, helped them out of this dead lift by an

incessant recitative of the words, 'Question, question, question.' At length, at four o'clock in the morning, the whole House in confusion, laughing, etc., the Resolutions and Address were agreed to. Upon which a member remarked, it was indecent to bring us resolves ready cut and dried, only for the drudgery of passing them: it was indecent to do it in the confused manner we did it: it was indecent to do it without evidence, and highly so to answer all arguments with, 'The question! the question!'"

So, "laughing and in confusion," the Thirteenth Parliament—bought for two millions sterling—voted the Americans guilty of acts which their Journals showed they had not committed, and recommended that military force should be used to punish them for acts of which they were not guilty.

The debate was resumed on February 8 (1769), when Mr. Rose Fuller implored the House to take time to consider—this business is one on which we ought to debate again and again. The measure is the harshest ever proposed to Parliament. The Americans will think we wish treason had been committed, and will imagine they can only save themselves by going further, and appealing to arms. Where do gentlemen wish this business to end? We were living at peace with our colonies. Without them we are not able to do anything. The very force which you may require in other parts, is now in America.

Captain Phipps protested against the folly of reviving the Act of Henry VIII. It will be obvious to the Americans that they are being snatched away to be condemned here, because we know they would be acquitted there. These men will think they are being brought here to be murdered. Such measures are more likely to raise rebellions than to quell them!

Alderman Trecothick brought up Townshend's name, hinting that he had proposed taxing America to please the King. He accused the Commissioners of acting in a haughty and offensive manner, and Bernard of writing "their retreat will serve our purposes." Frederick Montagu said that London and Westminster had no right to inveigh against Boston for rioting! As for the statute of Henry VIII, it was passed in the worst time of the worst reign that ever disgraced our annals. Four unfortunate persons were tried under it—two in Elizabeth's days, one in 1644, and one—Dr. Oliver Plunkett, "titular Archbishop of Armagh"—for Oates' Plot, in 1681. "Plunkett said, 'Here is no jury that either knows me, or the quality of my adversaries'—I can imagine, sir, an American making use of the same defence." Mr. Seymour called attention to the fact that the House, but lately

so full about a single individual, was now nearly empty. "When I look round and see the empty benches upon this important question, I am shocked." Others pointed out that the 35th Henry VIII was originally framed to ensure a jury in cases of treason—to prevent the accused being tried in Ireland, where there was no jury. It was therefore intended for his protection—now it is proposed to apply it to Americans to ensure their conviction! Dyson denied that it was harsh to extend the statute to America—and as for exasperating the colonists, they cannot do worse than they have already done. Lord Beauchamp said we were upon the edge of a precipice—"and no one would drive to an inch"—yet he thought the statute might overawe and intimidate, and so prevent mischief.

George Grenville, in a speech full of strong sense, urged the House not to stand hesitating. "If you mean to give up the right to tax America, do it like men; if you do not, take proper measures to show your intention. For the sake of your honour, for the sake of your dignity, show yourselves to be something—if you wish for lenient measures, are these angry ones proper?" Yet he voted for the Resolutions, because he saw "no prospect of anything better," and would not be the man to heap difficulties upon Administration. Pownall, in another long speech, urged upon the House that it was acting upon a one-sided statement. A friend had said to him: "If you mean to govern the country by the aid of military force, you have not sent a sufficient number of troops; if you do not mean this, you have already sent too many." Again Pownall asserted that "rebellion was not in their hearts." You cannot force them to rebellion. All they ask is to go back to the old ground, the old policy. "Be content with that—be directed by the spirit of commercial wisdom." Do not ruin the Colonies and yourselves by attempting force.

But he talked to the winds. The House had formed its opinions on the letters of Governor Bernard—whose name was freely bandied about, for praise or blame, all through these debates. Fuller's motion for delay—at least till we can ascertain the facts—was lost by 65 to 169.[1] The House did not even divide on the Resolutions. America was got rid of for a while, and the Commons could return to the battle with Mr. Wilkes, and the overhauling of the accounts of the East India Company—with a view to dividing the spoil with it.

[1] In the debate of February 3, 1769, when Grenville made his great speech against the expulsion of Wilkes, the numbers were, ayes 219, noes 137.

CHAPTER XXI

THE FARMER'S GRIEVANCES

"The *Americans* have tried divers schemes of intimidation to deter our parliament from maintaining their jurisdiction over them. But none is so futile as that of pretending to recall their orders for *British* manufactures, in case the stamp act shall not be repealed. . . . Do they imagine that we are ignorant, that none of our provincialists take merchantable commodities from us, except for gain in the way of trade, and by force of necessity, because we will not permit them to supply their warehouses anywhere else. . . . It is as just that they should submit to our parliament, as it is happy for us, that no *European* nation either can or will be inclined to protect them from our resentment."—Writer in the *Gentleman's Magazine*, 1765 (pp. 572-3).

"A duty of three pence per gallon on foreign molasses is much higher than that article can possibly bear . . . there hath been imported into the colony of *Rhode Island* only about 1,150,000 gallons annually: the duty on this quantity is £14,375, a larger sum than was ever in the colony at any one time. This money is to be sent away, and never to return: yet the payment is to be repeated every year.—Can this possibly be done? . . . can ministers change the nature of things, stop our means of getting money, and yet expect us to pay *British* taxes and purchase and pay for *British* manufactures?—*Grievances of the American Colonies.* Printed by Authority at Providence in Rhode Island.

WITH the coming of the soldiers, Bernard cast off all prudence. When Gage came to Boston, the Governor allowed him to attend Council Meetings. The Commissioners returned, and arrested Hancock, for a debt to the revenue of £9000—forfeiture of the cargo of the *Liberty* and "treble *damages*." On November 28, Bernard and Sheriff Greenleaf were burnt in effigy, while a vast concourse of people looked on. Circulars came from Hillsborough, ordering the Colonial Governors to support the Commissioners; and private letters ordered them not to lay before their Assemblies, without special orders, any letters, or extracts of letters from the Colonial Secretary. By the 5th of December, this was known in Boston. Indeed, they knew everything in Boston—every word spoken in the British Parliament, every rumour going round town. A bird of the air carried the matter. All was proclaimed upon the housetops. And so, early in 1769, by private letters from England they learned that there was a plan for a change in the representation

—members were to be elected in future for counties, instead of for towns. On this the Selectmen waited on Bernard, and asked him what he had been saying about Boston to his Majesty's Ministers, for these fourteen months past? Bernard replied that Ministers formed their opinion from the actions of the town. The Selectmen called a town-meeting, to draw up an address to the King—as the Governor refuses to tell them what he has said of them, they do not know why troops have been sent. They beg for their removal, and for copies of Bernard's letters, and for other papers that affect their interests, that they may know whereof they are accused, and have the justice of being heard by counsel. This petition was sent to Barré, but no more was heard of it. And at this moment the Resolutions of the Lords reached Boston, with the demand for the principal offenders to be sent to England for trial. This at first caused great exasperation, but letters came at the same time which said that the Crown lawyers themselves were against this proposal —they doubted whether the offence was treason. And healing measures were to be adopted, and the Revenue Act was to be repealed next session, if not this. The 35th Henry VIII became a jest.

These shrewd, litigious New Englanders—every other man a lawyer—were quite able to appreciate Lord Hillsborough's meaning, when he told their Agents that the British Government, though fully aware it had made a foolish and "anti-commercial" law, was determined not to repeal it, unless the colonists admitted his right to make another, which other he promised should be repealed in its turn, *if you don't complain of it.* The colonists were not so simple as to believe that a Cabinet foolish enough not to perceive the effect of its own laws, would be wise enough to repeal them, unasked! They knew that folly, haste, and ignorance are the last to perceive themselves in the wrong.

Bernard's position was becoming intolerable, and he was now under considerable personal apprehensions. He had been warned, by a friend in London, that efforts were being made to get copies of his letters and papers, which had been laid before the House of Commons. He now learned that these efforts had succeeded. Mr. Bollan, Agent in London for the Council of Massachusetts, had got copies from Alderman Beckford, who, as a member of the House, had a right to copies of all papers laid before it. Bollan had selected six letters—one from Gage—and sent them over to the Council. They arrived on a Saturday, and the Council sat upon them on Sunday! On Monday the letters were published, for all the town to read. All except Gage's were dated between November 1

and December 5, 1768, and contained accounts of events which had occurred during that time. Everyone in Boston now knew that Bernard had urged the King to "take the Council Chamber into his own hands"—in other words, to appoint the members himself. Other similar suggestions he had made, which would utterly destroy the constitutional character of the government. He had mentioned persons by name, thus pointing them out for vengeance. He was charged with having reported to the Colonial Secretary "every sudden, unguarded expression, dropped in debates which sometimes were rather free and familiar conversation, than cautious and formal declarations of advice"; and with accusing the Council of private animosities, duplicity, and servile dependence on the people. The situation became more acute than ever.

We had set the Colonies thinking. A great meeting of merchants had been held at Philadelphia on the 25th of April, 1768, at which Mr. Dickenson, author of *The Farmer's Letters*, read an address. The meeting was called to decide what answer should be given to "our brethren of Boston and New York, who desire to know whether we will unite with them in stopping the importation of goods from Great Britain." Dickenson went back to the beginning —to the coming of the first settlers. They did not divest themselves of any of the rights inherent in freemen, and no power on earth could lawfully deprive them of what was theirs without their consent, but as they were members of one great empire, "they tacitly acquiesced in the superintending authority of the parliament of Great Britain, and admitted a power in it, to make regulations to preserve the connection of the whole." And though regulations were made which bore hardly on the Colonies, they had submitted out of filial respect and regard for Great Britain. And then he enumerated "some of the most grievous."

There was the law against making steel, or erecting steel furnaces, "though there are not above 5 or 6 people in England engaged in that branch of business, who are so far from being able to supply what is wanted, that great quantities of steel are yearly imported from Germany."

The law against plating and slitting mills and tilt hammers, "though iron is the produce of our country," and we require vast quantities of nails and plated iron, as hoes, stove-pipes, etc.

The restraint laid on hatters, and the prohibition of exporting hats.

The prohibition of carrying wool, or anything made of wool, manufactured here, from one colony to another. A single fleece

of wool, or a dozen home-made hose, so conveyed, is not only forfeited, but the ship, or the waggon and horses which carried it, is seized, and the owner heavily fined.

Though the Spaniards may cut and carry logwood where they please, the Americans may not send to any foreign market without first taking it to England, landing and re-shipping it, at great expense and loss of time.

The same for Portugal and Spanish wines.

A duty on Madeira, which, if re-shipped to England, must pay full duty there without any allowance for what was paid here.

"The emptying their jails upon us, and making the colonies a receptacle for their rogues and villains; an insult and indignity not to be thought of, much less borne, without indignation and resentment."

"Not to mention restrictions in the fisheries, the duties on foreign sugar, molasses, etc.;" thus compelling the Colonies to supply themselves wholly from Great Britain with European and East India goods, at an advance of 20, and sometimes of 40 per cent. on what we could get them for otherwise.

And, as if all this were not enough, a party has lately arisen in England which is trying to erect a new sovereignty over the Colonies. They began with the Stamp Act. When we resisted it, the Mutiny Bill was to dragoon us into compliance. By the interposition of the London merchants who traded to the Colonies, the Stamp Act was dropped; but the Assemblies were ordered to furnish the troops with articles some of which are not allowed them in Britain; and every officer can get a warrant and search any house, by day or night, under pretence of looking for deserters. Then, because the Assembly of New York hesitated to comply, its legislative power was suspended, and an Act was passed asserting the power of Parliament to bind us with their laws in every respect whatever. Then followed the Revenue Act, imposing new duties, and the revenue thus raised is to be applied to rendering our Assemblies useless, and to give the whole power to governors and judges, whom we are not to appoint, and who hold their commissions during the King's pleasure. "Thus, having divested us of our property, they are proceeding to erect over us a despotic government, and to rule us as slaves. . . . You are now, my fellow-citizens, to deliberate, not, whether you will tamely submit . . . that, I am sure, your love of freedom and regard for yourselves and your posterity will never allow you to think of—but, by what means you may defend your rights and liberties, and obtain a repeal of these acts. . . ." It is in your power, by stopping importation from Great Britain, to obtain relief in a peaceable and consti-

tutional way. No people ever defended their liberties without suffering. "The Roman people suffered themselves to be defeated by their enemies, rather than submit to the tyranny of the nobles." "And, even in the midst of war, the Parliament of England has denied to grant supplies until their grievances were redressed;" well knowing that no present loss could equal that of liberty. And in the height of the late terrible Indian war, the Assembly of Maryland and our own refused to grant supplies on terms injurious to public privilege and to justice. But our strength depends on our union—*United we conquer, divided we die.*

This famous address from a man who afterwards deserted the Colonial cause marks a great change in Colonial feeling. The new Revenue Act had set the people thinking about all the other Revenue Acts, passed to prevent the Colonies either from competing with ourselves or dealing elsewhere.

Long as was Dickenson's list, it might have been longer. He does not mention the most iniquitous of all, the Assiento, the most important result for British America of the negotiations at Utrecht, in Queen Anne's time, whereby Great Britain secured to herself the profitable traffic in human flesh which made Queen Anne the greatest slave-trader in the world. Since then we had steadily resisted any attempt to limit the trade, so that Georgia had tried in vain to exclude slavery, and South Carolina to restrict it.

Almost the last exercise of George III's authority over the North American Colonies was a refusal to check the slave-trade. In June, 1775, in the very last months of British sovereignty, Lord Dartmouth wrote to a Colonial Agent: "We cannot allow the Colonies to check, or discourage in any degree, a traffic so beneficial to the nation."

NOTES ON THE SLAVE-TRADE.

It was demanded by St. John in 1711. "Her Britannic Majesty did offer and undertake by persons whom she shall appoint, to bring into the West Indies of America belonging to his Catholic Majesty, in the space of thirty years, 144,000 negroes, at the rate of 4800 in each of the said thirty years," paying on 4000 of them a duty of 33⅓ dollars a head. The assientists might introduce as many more as they pleased, at the less duty of 16⅔ dollars a head; but no Frenchmen nor Spaniard, nor any other person, might introduce one negro slave into Spanish America. "For the Spanish world in the Gulf of Mexico, on the Atlantic, and along the Pacific, her Britannic Majesty, by persons of her appointment, was the exclusive slave-trader." Harley advised the assignment of the Queen's portion of the stock (one quarter) to the South Sea Company. By the same treaty England obtained Newfoundland, "subject to the rights of France in its fisheries."—BANCROFT.

Already in 1727, the "vast importation of negroes" was a subject of complaint

in S. Carolina. In 1701, Boston had instructed its representatives to "encourage the bringing of white servants, and to put an end to negroes being slaves." "England was inexorable in maintaining the system. . . . From 1600 to 1700, the English took from Africa about 15,000 a year. The number during the assiento may have averaged annually not far from 30,000." Bancroft thinks about one-eighth died on the passage, and were thrown into the Atlantic. "The party of the slave-trade dictated laws to England." The Statute of William and Mary (1695), for the better supply of the plantations with negroes, says that in the opinion of the King and Parliament, "the trade is highly beneficial and advantageous to the kingdom and the colonies."—BANCROFT.

"Were it possible for white men to answer the end of negroes in planting, our colonies would interfere with the manufactures of these kingdoms . . . but, while we can supply them abundantly with negroes, we need be under no such apprehensions. . . . Negro labour will keep our British colonies in a due subserviency to the interest of their mother country."—*The African Slave Trade the Great Pillar and Support of the British Plantation Trade in America*, by a British Merchant, 1745.

CHAPTER XXII

GOVERNOR BERNARD'S DEPARTURE

"The European system of elevating a few individuals at the expense of the multitude, and of erecting an aristocratic fabric of wealth and luxury on the labour and servitude of the many, a system peculiar to ancient and extended empires, was happily unknown in New England. . . . The means of subsistence were easy and open to all; beggars were unknown in the country; the virtuous confidence of industry and liberty left no citizen to ask alms; hardly any to accept donations. . . . So true it is that liberty, while it constitutes the happiness, increases and confirms the virtue of mankind."—*Life of Sir Francis Bernard, by his Son.*

"A gentleman from London would almost think himself at home in Boston, when he observes the number of people, their houses, their furniture, their tables, their dress and conversation, which perhaps is as splendid and showy as that of the most considerable tradesmen in London. . . . Near six hundred sail of ships have been laden here in a year for Europe and the British Plantations. The goodness of the pavement may compare with most in London, to gallop a horse on it is three shillings and sixpence forfeit."—Oldmixon, *British Empire in America.*

"How would it have served his Majesty's cause for me to have provoked the people in whose power I was, to have knocked me on the head, or drove me out of the town?"—*Bernard to Mr. Secretary Pownall*, Sept. 20, 1768.

"As to Governor Bernard, let him have what merit he will, he appears, from these papers, to be peevish and litigious; glad to find things wrong, on purpose to represent them to the government at home. . . . He mentions every little dirty story, and writes of an intention to seize Castle William. Sir, all this is inexcusable, unless, in the following post, he could give us the names of the conspirators."—*Barré's Speech*, Jan. 26, 1769.

EARLY in 1769, the struggle between Bernard and the town of Boston became acute. On the 16th of February, a meeting of the Selectmen unanimously voted an address to the Governor, requesting him to contradict the misrepresentations made about the behaviour of the town; and as there was a report that depositions had been taken, they demanded copies, that the town might have an opportunity of vindicating itself. Bernard replied that he had no reason to think the town had been misrepresented, or that the opinions of his Majesty or his Ministers were founded on any other accounts than those published by the town itself—if they

could vindicate themselves from charges which arose out of their own publications, they would have nothing to dread. On the 23rd, the Selectmen met again, and voted a second address, demanding to know what they had done against any law, or against the British Constitution? Bernard replied that he referred to no particular disorder in the town, but to the town-meetings, and the proceedings of the Selectmen.

The irritation at having troops in the town had increased to such a pitch, during the winter, that to avoid disorder sentinels were ordered to challenge nobody at night, and this was carried so far, that one night a sentinel looked on while thieves broke into a house. The sound of the fife and drum on Sundays gave great scandal to a town famous for strict observance of the Lord's Day; Gage yielded so far as to change the hours of relieving guard, to prevent disturbance during church-time.

In April, Bernard got his long-expected leave. It was really a recall, but the reason alleged was that he might make a full report to the King. At the same time he was informed that the King had made him a baronet.

Another unfortunate incident now occurred. The brigantine *Pitt*, of Marblehead, was boarded just as she came in from Europe, by a boat from the *Rose* man-of-war,—the Boston station ship, cruising about to impress seamen. The crew shut themselves into the fore-peak with harpoons, and swore they would die before they would be taken. After a long defence, Lieutenant Panton, of the *Rose*, advancing in spite of warning, was killed by a harpoon. The crew of the *Pitt* were apprehended, and the question at once arose, How they must be tried? Otis and Adams insisted on a jury, and not the Court of Admiralty, which had no jury. Bernard was inclined to agree, the Counsel for the King acceded; but Chief Justice Oliver showed that the prisoners could be sent to England under the 35th Henry VIII, and would then have a jury; but if tried "in the Plantations," it must be without a jury, under a Statute of William III, intended to prevent trials of pirates by plantation juries, who were not impartial, and had acquitted buccaneers of many acts of piracy against the Spaniards, Moors, etc. Thus, like the 35th Henry VIII, the Statute was originally framed to prevent injustice. Judge Oliver was desired to state his reasons in open court, whereby he incurred fresh odium. The prisoners were tried by the Court of Admiralty, the Commander of the *Rose* being one of the Commission; but the Court unanimously acquitted the prisoners, because the impressers had no special

warrant from the Lords of the Admiralty, and this, it was ruled, gave the prisoners "a good right" to defend themselves, and at Common Law the killing the lieutenant would not even have amounted to manslaughter.

This case was on when the writs were issued for the new Assembly. On the 5th of May, a Town-Meeting in Faneuil Hall chose James Otis, Thomas Cushing, Samuel Adams and John Hancock as representatives of the town, and on the 8th another meeting gave the representatives their mandate. Their first object was to be the privilege of Assembly—debates must be free, the House must not be surrounded by guards and cannon. And as soon as these are removed, they must enquire why the military have been quartered in the body of the town, contrary to an express Act of Parliament; and why the Attorney-General enters a *nolle prosequi* when the repeated offences of the soldiery against the peace are complained of. The representatives must by no means comply with the requisition to provide for the troops—if the General Court is a free assembly, no power on earth can compel it to find this money. Next to the revenue, the late extensions of the jurisdiction of the Admiralty are the greatest grievance. Many of your townsmen have been worn out in attendance on these Courts, defending themselves against extravagant and enormous penalties. Let these Courts be confined to their proper element. While you, in the most ample manner, testify your loyalty to our most gracious Sovereign, you must strenuously maintain the right of petition.

Before the meeting adjourned, it expressed its high satisfaction at hearing that the merchants had so strictly adhered to the agreement for non-importation of European merchandise, and RECOMMENDED the inhabitants not to purchase any goods of the few persons who have imported any articles in the ships lately arrived from Great Britain. And presently we find it stated that all British imported goods are ordered to be stored unopened, whether ordered or not, "so that there is now a total stagnation of trade in New England"; and the Assembly of New York has laid a tax of 5 per cent. on all goods sold as public vendue, and the merchants of New York have forbidden shipmasters to take on board any goods from Great Britain—salt, sail-cloth, card-wire, grind-stones, chalk, lead, tin, sheet-copper, and German steel, excepted. And both New York and Virginia have passed "very high" resolutions, and an address to his Majesty in the best style of Boston itself.

At its very first meeting, the Boston Assembly appointed a Committee to wait upon the Governor, and complain of the armed force now being employed to overawe the town. Armament by

sea and land investing their metropolis, and a military guard, with cannon pointed at the very door of the State House, where the Assembly is held, is inconsistent with the freedom and dignity of a Representative Assembly. They desired his Excellency to give effectual orders for the removal of the forces by sea and land during the session of the Assembly. Bernard replied that he had no authority over ships or troops, and could give no orders for their removal.

When this message came back, the House declined entering on business, "and a solemn and expressive silence ensued." At length the House sent another message to the Governor, to say that it was impossible to believe a military power, or a standing army, was the just and full representative of the supreme executive of the whole empire—if it is, then it is a power without any check here, and therefore is so far absolute. If no redress can be had from the King's lieutenant in the province, nothing remains but to lay a humble petition before their gracious Sovereign. Bernard knew that their gracious Sovereign looked on petitions as a sort of rebellion. He had already been ordered to remove the Assembly, if necessary. He now replied that he had no authority to remove the troops or the cannon—all he could do was to remove the Assembly to a place where these difficulties cannot operate; and two days later he ordered his secretary to adjourn the Court of General Assembly to Harvard College in Cambridge, there to meet for the despatch of business.

This had only been done once before, in the time of Governor Burnet of unhappy memory. Bernard hoped the Assembly would refuse to go—then he could dissolve it. As Hutchinson frankly remarks, "The Governor had no interest to induce him to keep the Assembly sitting." He was going to England as soon as the session was over, and he knew that they would not vote him his salary during his absence. And as if on purpose to show that the cannon were in truth intended to command the Assembly, they were removed the very night after the House removed.

The Assembly changed its place but not its mind. From Cambridge it sent a Committee to expostulate about the guard at the doors of the State House—"the most pointed insult" ever offered to a free people, aggravated by the removal as soon as the Assembly had been removed from its ancient seat, and forced to do business at this inconvenient distance from the State Records, etc. The House had been reproached with wasting time and treasure to no purpose, but no time can be better employed than in the preservation of our rights, nor treasure better expended than in

securing "that true old English liberty that gives a relish to every other enjoyment."

This was on the 15th of June. Bernard seems to have made no reply; but on the 21st, he sent a message, recommending the Assembly to come to business—particularly: 1. The support of Government (meaning his own salary). 2. The Supply of the Treasury. 3. Payment of the Provincial Debt of £105,000. 4. The Tax-Bill. 5. The Impost-Bill. 6. The Excise-Bill. 7. The Establishment of Forts and Garrisons. 8. The Truck-trade, etc., and offering every assistance consistent with duty. And on the 28th, he stirred them up again, by sending a message to signify his recall, "to lay before his Majesty the true state of the province." He also acquainted the House with his Majesty's instructions for the application of the salary when the Governor is absent—one-half is to be paid to Lieutenant-Governor Hutchinson—at the same time intimating that he had been given to understand he was to be continued Governor, so they might as well vote the whole salary, the same as at other times.

On the 4th of July the Assembly replied to the message of June 21. They admitted that the service of the Crown and the interest of the people are very compatible objects—especially under such a Monarch as we have, who makes the welfare of his people the sole end of his government. If your Excellency had imitated him we should have had fewer disputes. If business was in arrears, it was the fault of those who brought the province into this difficulty. He himself had suspended his assent to the establishment for forts and garrisons. "Was it your duty to the King, or your regard to the people, that hindered you?"

On the 12th they replied to the second message. They "cheerfully acquiesced" in his repair to Great Britain, and felt a peculiar satisfaction at hearing he was to give a true account of affairs; and they persuaded themselves that, while the Governor was employed in setting his own conduct in the most favourable light, they would be able to answer for themselves. They were sure that when the King knew it, he would be very angry with those who had wickedly misinformed his Ministers. As for the salary, he was already fully paid up to the 2nd of August—the day he was to embark, and as *they* had not been made to understand he would be continued, the House could not make any unprecedented grant of money for services they had no reason to expect would ever be performed. They would provide for another Governor, whenever his Majesty was graciously pleased to appoint one.

Bernard would have replied by adjourning the Assembly at once,

but he was obliged to wait till they had voted his salary. Instead of doing this, they were writing letters to Hillsborough, passing "Resolves," and drawing up a petition—voted unanimously when 109 members were present—praying his Majesty to be graciously pleased to remove Sir Francis Bernard for ever from the government of the province of Massachusetts Bay, and place one in his stead worthy to serve the greatest and best Monarch on earth.

In the middle of this ferment, came news from England that the British Government intended to take off the duties on paper, glass, and colours.

Immediately, the merchants of Boston called a meeting, and voted unanimously that the taking off of these duties would not relieve trade from the present difficulties, and they confirmed their agreement not to import until the Revenue Acts were repealed. And now paper-mills are "actually in agitation," and notices are being circulated through the provinces, requiring every family to be careful of its linen rags, that the plan may not fail for want of materials.

Bernard's friends had advised him not to ask the Assembly to make the grant for Hutchinson. Of course they refused; and they harped on the "standing army." Was not Boston quiet? True there were frays between the soldiers and the townsmen, but no civil magistrate would ever call in the military, and the soldiers were tried in the civil courts as easily as if they had been civilians. At last, in sheer weariness and disgust, the 64th and 65th were ordered to Halifax. The commanding officers did not find Boston "an agreeable station"—Halifax was much gayer. One regiment had started, and the other was embarking, when the RESOLVES of the Assembly were published in the papers. These Resolves, passed unanimously in a House of 107 members, declared that "no laws" made by any authority in which the people have not their representatives, can be obligatory upon them. Mackay, Colonel of the regiment, and Hood, Commander of the ships, consulted with Bernard, and it was resolved to remain for the present. An express was sent to Gage at New York, but the express was recalled—the House had modified the Resolves—which it said had been published prematurely. The words now stood, "laws imposing taxes." The ships and the troops departed for Halifax.

Governor Wentworth happening to come to Cambridge, on business of the Court of Admiralty, was received with great honour—the Council waited on him, and he was given an entertainment. The public prints carefully explained, for Governor Bernard's benefit, that the people wished to show how much they could respect a worthy Governor. To mark this still more, Bernard was not

invited as usual to the annual dinner at the Visitation of the Schools. A more practical token of displeasure was the refusal of the House to pay the barrack-master of Boston the sums he was out of pocket for the troops. The troops, they said, were not needed, and the Acts for imposing taxes ought to be called Acts for raising a tribute in America, to be dissipated among place-men and pensioners. They are even worse than the Stamp Act.

Governor Bernard had now been eleven years in America—two years as Governor of New Jersey, and nine in Massachusetts. If he had gone at the end of his first five years, he would have been spoken of as one of the best of the Royal Governors. But he had many children, and wished to make provision for them, and when it came to choosing between the King and the people not one of the Royal Governors of Massachusetts had ever hesitated to throw the people over. He was recalled, because Ministers were getting frightened—Bernard had depicted the situation in very alarming colours, and a little conciliation was now to be tried. Just before he sailed, Bernard received circular letters from Hillsborough, with assurances that "administration is well disposed to relieve the colonies from all real grievances arising from the late acts of revenue"; and that "it is their intention to propose, in the next session of parliament, to take off the duties upon glass, paper, and colours, upon consideration of such duties being contrary to the true principles of commerce." Bernard's last act as Governor of Massachusetts Bay was to publish this second official confession of folly and ignorance on the part of the Government. It seemed as though England actually desired to teach the colonists to trust neither her wisdom nor her justice, and to be always prepared for some foolish Act of Parliament, which it would take a year or two's agitation and interruption of business to get repealed—only presently to begin again with some other foolish Bill of the same sort.[1]

[1] Folly in Governors is worse than all the wickedness in the world.—BURKE.

Grafton charges Hillsborough with altering the Circular Letter of 1769, after he read it to the Cabinet. A majority had amended it "by words as kind and lenient as could be proposed by some of us." When they saw the minute—after the despatch had been sent off by "a quick departure"—they were persuaded it was not in the words or form of the last correction agreed to by the Cabinet. Camden charged Hillsborough with omitting the "soothing" portion, and insisted on seeing the minute again. Hillsborough could not find it—said he had looked a whole morning in vain. Worse, still, the version sent (and shown the King) said the Cabinet was unanimous, whereas the majority was only one. Grafton says that Camden lost the King's favour for his attack on Hillsborough. Grafton also noticed that "his Majesty was more forward to dictate his will to me than to enquire first my opinion . . . as had been his usual practice."—*Memoirs.*

Bernard prorogued the Assembly on the 15th of July. The parting was angry. He rated them for stopping business on the most trifling pretences, "for weeks together." The assertions, declarations, and resolutions which they had issued were "an invasion of the rights of the imperial sovereignty." To his Majesty must they be referred, and then, "By your own acts you will be judged." You need not fear misrepresentation—your enemies cannot say worse of you than your own publications. I shall take care that the King has true copies.

A fortnight later he sailed for England in the *Ripon* man-of-war, sent from Virginia for him. Earlier in the year he had seriously considered the practicability of seizing Hancock, Samuel Adams, and others, and sending them to England to be tried for treason. He did not dare attempt to take them with him. The bells of the Old South rang for joy of his departure, guns were fired from Hancock's wharf, the Liberty Tree was hung with flags, and in the evening a great bonfire was lighted on Fort Hill.[1]

The *Resolves* give so clear a view of the situation, and so admirably expound the principles of civil liberty as they were understood in the eighteenth century, that a somewhat full *résumé* must be given as much as possible in the words of the original, only shortening where the sense allows.

The Resolves begin by declaring: That that House bears the firmest allegiance to their rightful sovereign, King George the Third; That the sole right of imposing taxes on the colony of the Massachusetts Bay is vested in the House of Representatives, with the consent of the Council, and of his Majesty the King of Great Britain, or his governor for the time being; That it is the indubitable right of the subject to petition the King for redress of grievances; That it is lawful for subjects to confer with one another, on dutiful addresses for relief from common burdens; That Governor Bernard, by a wanton and precipitate dissolution of last year's Assembly, and refusing to call another, acted against the spirit of a free constitution; That Governor Bernard, in his letter to Lord Hillsborough, gave a false and highly injurious representation of the conduct of his Majesty's truly loyal and faithful Council of this colony, and of the town of Boston; That Governor Bernard, by representing it was necessary for the King to have the Council in his own hands, has discovered his enmity to the true spirit of the British constitution, at the very time he was professing himself a warm friend to the Charter; That the establishment of a standing army in this colony, in time of peace, is an invasion of the natural rights of the people,

[1] August 2, 1769.

and of those which they claim as free-born Englishmen, confirmed by Magna Charta, the Bill of Rights, and the Charter of this province; *That a standing army is not known as a part of the British constitution in any of the King's dominions*, and any attempt to establish it manifestly tends to the enslavement of the people; That the representations of the Governor have been the cause why this force was sent; That whoever gave orders for quartering common soldiers and camp women in the Court House of Boston, and in the Representatives' Chamber (where some of the principal archives of the government have been deposited), and the placing a main-guard with cannon pointed near the door, designed "a high insult," and an indication that the military power was supreme; That his Excellency General Gage, in his letter to Lord Hillsborough of October 31, among other exceptional things, said, "From what has been said your Lordship will conclude that there is no government in Boston; and in truth, there is very little at present, and the constitution of this province leans so much to the side of democracy, that the government has not the power to remedy the disorders that happen in it;" That this letter displays as much ignorance as malice, for that great prince William III gave us our Charter, and this ought to have placed it above the General's reprehension, and led him to ask whether the disorders have not arisen from the arbitrary disposition of the Governor, and not from too great a spirit of democracy in our constitution; That this House expresses their deep concern that too many in power at home and abroad so clearly avow the most rancorous enmity to "the free part" of the British constitution, "and are trying to render the monarchy absolute in every part of the British-Empire."

Then follow particular instances of encroachment—the extension of the powers of the Court of Admiralty, the frequent instances of *Nolle prosequi* by the Attorney and Advocate-General, etc.[1]

Who first dared think of Separation? The precise date at which the idea of Independence arose has often been discussed. Tories, unable to understand a hatred of tyranny *per se*, have always maintained that the whole trouble with America was the work of a handful of agitators, who made political capital out of the blunders of the British Government; the grievances were mere pretexts—the real reason was the desire to be independent. At the same time they are unanimous in assuring us that neither rebellion nor separation was desired by more than this handful. This view was maintained up to the very end of the business, and Tory historians have continued to maintain it.

[1] The Resolves are dated July 8, 1769.

The question can be decided as well now as at the time. We still possess the only evidence worth anything on such a question—the sort of language used by contemporaries, and the general probabilities of the situation. As to the first, there can be no possible doubt that Englishmen were the first to talk of separation. They talked about it from the moment they learned that America meant to resist the Stamp Act. It is the staple argument against any concession, the bogey which is trotted out to scare and silence those who take part with the colonists. "Don't pay any attention to what they say—they are only trying to cast off our rule." We may indeed be said to have put the idea into their heads. And we not only put it into their heads—we seemed resolved to show them that they had better carry it into effect. From George III and his Ministers down to the most scurrilous scribbler hired to support Government, we told them that there was nothing for them between docile submission to whatever taxes and trade restrictions we chose to impose, and complete independence of us.

There is every evidence to show that, for many years after the dispute began, the Colonists neither wished to stand alone nor believed themselves capable of doing so. Within historical memory, Europe had not seen a colony become a people. Our Colonies felt themselves to be children, unable to stand alone. As long as France was a power in North America, they were too thankful for the protection afforded to their infant condition by Britain's mighty arm to complain much of her interference with their trade. Any foreign Power into whose hands they might fall, once that protection withdrawn, would do the same. The day we won Canada, we destroyed this motive for submission and loyalty. And the Seven Years' War did more than this—it taught the colonists war. Almost every officer who led the provincial troops at the beginning of the Revolution had learned war at Quebec or Cape Breton.

The more we consider the language used on both sides, the less necessary does it seem to suspect the Americans of hypocrisy in their protestations of loyalty to George III. Every time they used such language they were acknowledging afresh the sovereignty which we are told they were preparing to reject. They were putting themselves in the wrong, they were also strengthening those feelings of general loyalty in which we are entreated to believe. If they were not sincere in these expressions, why did they take such excessive care to prevent even the "implication" of an acknowledgment of the right of Great Britain to tax them? Why so profuse in acknowledging one claim, and so stubborn in

rejecting the other? Hillsborough's was not the only hint given them that Ministers would repeal the obnoxious Acts, *if the colonists would acknowledge the right*, and confine their remonstrances to questions of expediency. Throughout the years which preceded the resort to arms, Great Britain placed herself in the ridiculous position of offering to amend her blunders, if the aggrieved party would admit her right to make such blunders. Why did not these unscrupulous plotters, who were trying to deceive the British people by professions of sham loyalty—why did not they accept repeal on these terms, and get ready to demand a like repeal next time? The agitator rejoices in an occasion for agitation. But these agitators behaved exactly as persons behave who wish to avoid a next time for agitation.

If the British Government had followed Pitt's advice,—given up the right of taxation, and put the Colonial Assemblies on the footing they demanded, and on which they had been practically ever since the Charter of King William,—we might have gone on for another half-century, forbidding them to manufacture tilt-hammers, or sell in one colony the hats and woollen goods made in another. But though a timely modification of our claim would have deferred, it could not have prevented the American Colonies from out-growing us. In the inevitable course of Nature they must have become a nation. The more nominal our sovereignty, the longer it would have lasted—that is all. And to keep it by force would have cost us even more than it did to lose it.

Probably the first American to face the possibility of separate existence was Samuel Adams. His frail body held a fearless soul. Long before any of the other leaders looked beyond the redress of present grievances, his keen intellect had perceived that one British people can never remain subject to another. He had perceived, too, that, as Thomas Paine was soon to say, "England and America belong to different systems. England to Europe, America to itself." But even Samuel Adams did not suppose it would come so soon; and to the vast majority of the colonists the idea would have seemed absurd, much later than 1769. Only when we forced them to realise that they must choose between the position of a subject race and this tremendous experiment, did the idea of Independence take root—and, perhaps, but for Thomas Paine, the men of that generation would hardly have found courage to begin the world again, alone.

CHAPTER XXIII

THE OCCURRENCES IN LONDON

"By a letter from Lancaster, the violences committed on account of the ensuing election at that town and at Preston, exceed belief; murdering, maiming, pulling down of houses, destroying places of public worship, and breaking the furniture and burning the effects of each other, are among the acts of the enflamed mob." [1]—*Gentleman's Magazine*, March 7, 1768.

On the 27th of January, 1769, Wilkes' petition was considered.[2] It recited all the proceedings taken against him since April, 1763, when he was apprehended for No. 45, and his house entered and searched under a General Warrant. It also charged Philip Carteret Webb, Solicitor to the Treasury, with having used public money to bribe one Michael Curry to steal the *Essay on Woman*, and Lord Mansfield with having altered the record the day before the trial. North adroitly moved that petitioner's counsel be heard only on these two points—the altering of the record, and the suborning of evidence — thus avoiding the great constitutional issue. Next day, the House sat till midnight on this motion, and carried it by 278 to 131.

On the 31st, Wilkes was brought up again by the Marshal of the King's Bench. He proved the altering of the indictment, and he got the word "blasphemy" taken out of the endorsement; but very late on the night of February 1, the House voted his complaint frivolous and his aspersions groundless.

Next morning, he was brought up again on another matter. He had somehow got hold of a copy of the letter written by Lord Weymouth—just before the riot in St. George's Fields—to Mr. Ponton, Chairman of the Lambeth Quarter Sessions, the letter to which

[1] Colonel Burgoyne was the ministerial candidate. He was alleged to have gone to the hustings with a pistol in each hand. He was fined £1000, but it is not clear that the fine was ever paid.

[2] "I declare for the right of petitioning, as established at the Revolution . . . you are so afraid of the weight of this argument, that you will not have it heard." —*Speech of the Right Hon. George Grenville*, January 26, 1769.

Justice Gillam had alluded, as his "orders from the Ministry." Wilkes had sent this letter to the *St. James' Chronicle*, with comments by himself.[1] Asked what defence he could make, Wilkes replied that he gloried in what he had done—he thought it his duty to bring to light "that bloody scroll," and only wished he could impeach the noble lord who wrote it. The debate which followed became in the hands of ministerialists a defence of Weymouth, rather than an indictment of Wilkes. They urged the state of London, the dangerous mobs, the civil magistrates afraid to execute the laws, *the constables only a part of the mob.* There was thus no remedy but the military. Accordingly, the House resolved, by 239 to 136, that the introduction to the copy of Lord Weymouth's letter, "of which John Wilkes, Esq., a member of this House, has confessed himself the author and publisher, is an insolent, scandalous and seditious libel, tending to inflame the minds of his Majesty's subjects, and to subvert good order and legal government." Next day, Lord Barrington moved the expulsion of John Wilkes. Rigby, Bedford's henchman, seconded the motion. Burke, Dowdeswell, Beckford, Cornwall, Thomas Pitt, all spoke against it, but the great speech was George Grenville's. He pointed out the danger of such a precedent, and bade the House consider that, though it might begin against the odious and the guilty, once established, it was easily applied to the meritorious and deserving—the most eminent members of the State might thus be ostracised "by the worst species of ostracism." Especially he insisted on the injustice of handing on a punishment from one Parliament to another, and so making it perpetual. Wilkes had been punished by fine and imprisonment, and expulsion from another Parliament, and now it is sought to punish him again!

By 219 to 137, the House again expelled Wilkes, and issued a writ for a new election; on February 16, Wilkes was re-elected without opposition, and next day the House again declared his election void. Ministers brought up the precedent of Sir Robert Walpole, who was expelled for bribery; and, being re-elected, the House determined he could not be returned for the same Parliament as that which expelled him. Dowdeswell fastened on this, and proposed they should expel Mr. Wilkes over and over again—to be sure, this would open such a door for expulsions that no man's seat would be safe. You expel the worst man in the House. There is always a "worst" man—where will you stop? And as for obscenity and impiety, do half a dozen members

[1] It was printed in the *Chronicle* of December 10, 1768. Weymouth's letter was dated, "St. James', Ap. 17, 1768."

of this House ever meet over a bottle, that their discourse is entirely free from it? Even in the Cabinet—"that pious reforming society"—who is to throw the first stone at Wilkes? The House listened, and thought it wiser not to expel Wilkes again—it only declared him incapable, by 235 to 89. And as there had been a riot at Brentford, the new writ was delayed for a month.

It was of no use. On March 16, Wilkes was returned unopposed for the third time. Next day the House for the third time declared his election void, and issued a new writ. In an angry debate on April 7, Burke charged Ministers with contriving the riots they pretended to fear—they had employed one Captain Fall, who led the sailors' riots, and had given him a pension for what he had done.

There had been so many demonstrations by Mr. Wilkes' friends, that Ministers felt it necessary to get up a counter-demonstration of their own. A meeting was called at the King's Arms Tavern, to consider of a Loyal Address to the King, but the Wilkesites turned out the others, and held the meeting themselves. The loyal party had to leave their Address for signature at a public office over the Royal Exchange. Six hundred "merchants and tradesmen" affixed their names—induced, as was freely alleged, by money from the Treasury. And what sort of "merchants and tradesmen"? Thomas Whately told Grenville that he saw among the names that of an ex-footman of his father's, now set up as a broker, and was assured there were not fifty names better than Tom Broughton's—and many were worse, for they were names of men "used" to seeing their names in the *Gazette*, having been bankrupt more than once.

On March 22, a cavalcade set out in coaches for St James' Palace, but two-thirds of them never got beyond Temple Bar. "A desperate mob" so insulted, pelted, and maltreated them, that several coaches turned back; others proceeded by "by-ways." In the Strand, a hearse with two white and two black horses (said to be driven "by a gentleman") took the lead of the procession. On one side of the hearse were portrayed the soldiers firing at young Allen, and on the other McQuirk knocking old Mr. Clark on the head at Brentford. At the Palace-gate, there was a terrible scene—an attempt was made to drive the hearse into the Courtyard, but Lord-Steward Talbot, with great courage, though "deserted by his own servants," arrested two rioters himself. But his staff of office was broken in his hand, and his friends pulled and his foes pushed him back into the Palace. Meanwhile the Riot Act had been read, and the military—who

behaved this day with great moderation—secured fifteen of the more pertinacious. The hearse drove off to Carlton House (the Princess of Wales') and thence to Lord Weymouth's—"at which places the driver made a particular kind of compliment, and then retired."

Mr. Bohem, Chairman of the meeting at the King's Arms, was so severely handled that he had to quit his coach and take refuge in Nando's Coffee House. The coach was rifled, and he very nearly lost the Address—it was recovered with great difficulty, and those who had already arrived at the Palace waited in the utmost anxiety. When their unfortunate Chairman did arrive, he was so covered and blinded with mud—so "drenched and coated," that he could not enter the Presence Chamber, where the King, his Ministers and Courtiers, had been kept waiting for him for hours. But at last the Address got upstairs, and was read to the indignant Monarch.

Only five of the rioters were detained in custody, and the Grand Jury of Middlesex threw out the bills.[1]

On April 13 a fourth election was held at Brentford. This time Ministers had got two candidates of their own in the field—Colonel Luttrell,[2] brother of Lord Irnham, and Mr. Sergeant Whitaker. It was remarked that the electors all gave their votes singly, and not by four at a time, as before, so that the poll went on very slowly. This arrangement was no doubt intended to relieve ministerial voters from finding themselves one to three. Wilkes was re-elected; he had 1143 votes, Luttrell 296, and Whitaker 5. After the poll—which closed at five o'clock—a number of horsemen with colours flying, attended by several thousand people, rode through St. James' Street, the Strand, and over London Bridge to the King's Bench, to congratulate Wilkes. Next day the House sent for the Sheriffs with the return; but the Sheriffs were so long in coming that the House "got into confusion

[1] On April 12 there was a procession of freeholders on horseback, through Charing Cross, Pall Mall and Piccadilly. It lasted two hours. Some companies were several hundred strong. All marched with bands playing and colours flying, and blue ribbons in their hats, with "Magna Charta," and "Bill of Rights" inscribed.—*Annual Register.*

[2] Luttrell was a Colonel of horse—said to be too ready with his sword (he is infamous for his brutality in the Irish Rebellion). He sat for a Cornish borough with 11 voters—10 of them excisemen. He infuriated the mob still more by using Lord Holland's house for his committee, and by issuing an advertisement calling on "gentlemen" to join him in giving a lesson to the mob. But when the day came, the few gentlemen who had responded thought it more prudent to go to Brentford by back ways. Fox canvassed for Luttrell.

and riot for two hours, and then the night was so far advanced that it became improper to enter into any new debate that night"; so, they adjourned till to-morrow, though it was a Saturday, and Parliament never did anything of importance that day, since the time when it used to adjourn that Sir Robert might go a-hunting.

There was a warm debate that Saturday morning. Mr. Onslow moved that Henry Lawes Luttrell ought to have been returned a knight of the shire for the county of Middlesex—if the person at the head of the poll was incapable, the next was always chosen. The Attorney-General abused the Sheriffs, and talked about the late infamous riot; North "spoke long, but chiefly to the passions" —Wilkes had given the Ministry great trouble, and unless an end was put to this the whole kingdom would be in confusion—"though he owned he did not think this measure would put an end to the distraction." Beckford reminded Government of Rehoboam; Burke showed that this quarrel was not between the House and the Freeholders of Middlesex, but between the House and all England; and Grenville made an even greater speech than his first—the gist of it, that Parliament is not above the law, and that a vote of the House bound the House for the session it was made, but could not bind the people. "If the ministry will take such headstrong measures, the vengeance of a deluded, injured people must fall on them."

The House, by 197 against 143, voted that Luttrell was legally returned, and he took his seat. The Freeholders of Middlesex met at Mile End, and drew up a petition, which was heard by Counsel at the bar of the House, on May 8. The House reaffirmed Luttrell's election by 221 to 152, and next day Parliament was prorogued.

The famous dinner at the Thatched House took place that same night. Seventy-two members of Opposition dined together, and the great toast of the evening was a sentence from Mr. Henry Cavendish's speech the night before—it was called fondly, "Mr. Cavendish's creed," and it ran: "I do, from my soul, detest and abjure, as unconstitutional and illegal, that damnable doctrine and position, that a resolution of the House of Commons can make, alter, suspend, abrogate, or annihilate, THE LAW OF THE LAND."

The year 1769 was not entirely taken up with riots and petitions, nor was Mr. Wilkes' business the only unpleasant one for the Thirteenth Parliament. On the 28th of February his Majesty sent a message to say that he was in debt to the tune of £513,311, and relied on the zeal and affection of his faithful Commons to pay it. Now the Civil List used to be reckoned

at £800,000 a year, more or less, but, as it often was less, the King at his accession had compounded for £800,000 a year fixed, and the Civil List had been supposed to be on a better footing than ever before. So the House was not pleased. Papers were called for, and questions were asked, especially how it was that with the revenues of Wales and the Duchy of Cornwall, and the new duties laid in the new West India Islands, —all this in addition to a clear £800,000 a year,—so virtuous a prince was so deep in debt? Ministers replied indignantly, that nobody ought to ask questions about so virtuous a prince, who besides had given up to the nation more than £700,000 —his share of the prize-money in the late war. Decency demanded the instant supply of his Majesty's wants. So the House agreed to pay first, and ask questions afterwards, though Colonel Barré said this was never done anywhere but in Ireland—there, certainly, we paid the bill first, and then examined if we really owed it.

On the 21st of January, Junius' first letter appeared in the *Public Advertiser*. It was a masterly review of the situation from the King's accession, ending with a savage attack on the Cabinet. We could have got better secretaries, if we had chosen them by lot! It asked how the debt on the Civil List was to be paid—"anyhow let it not be by a lottery, like the repairs of a country bridge or a decayed hospital." For three years these terrible letters fell like bombshells into the ministerial camp.[1]

Again it rained petitions, remonstrances, meetings, until Administration, in self-defence, got up more counter-demonstrations. "Addresses" to his Majesty were presented from four English Counties,[2] from the two Universities, and the cities of Bristol, Liverpool, and Coventry. But the "petitions" and "remonstrances"—Middlesex leading the way—poured in from seventeen Counties, and were signed by more than 60,000 electors. Many of them—Yorkshire, Westminster, and others—prayed for an immediate dissolution. All declared that no mere vote of Parlia-

[1] "Junius, and such writers as himself, occasion all the mischief complained of. . . . How are any man's friends to be provided for, but from the influence and protection of the patron?"—*Sir William Draper's reply to Junius*, Jan. 26, 1769. Towards the close of his letter, Junius attacked the Marquis of Granby, then Commander-in-Chief—he had provided at the public expense "for every creature that bears the name of Manners," and neglected the rest. Sir William Draper hereupon took up the cudgels for Granby. Junius retorted by accusing Draper of having dropped his agitation about the Manilla Ransom, as soon as he had got the Bath and the colonelcy of the 16th Foot.

[2] Surrey, Kent, Essex, and Salop.

ment can change the law of the land—if the law is altered, it must be by an Act, not a vote. There were plain and unvarnished assertions that the country was being governed by bribery and corruption, and that the King was influenced by evil counsellors. As for the Middlesex Petition, it might have been drawn up in Boston. It even mentioned the fact that the evil counsellors "had produced the same grievances and apprehensions in America as here."

The present Parliament had cost so much more than usual, that Administration was very loath to lose it so soon, especially as it appeared but too probable that the next might contain still fewer of the "King's Friends." The King looked on all petitions as incipient rebellion. It was said that he laughed rudely in Lord Mayor Ladbroke's face, when he presented the petition of the Livery. It was a fact that he made no reply, but handed the paper to a lord-in-waiting, and turned away to converse with the Danish Minister.

And all this while the terrible letters of Junius went on, holding up Ministers to the hatred and contempt of the nation, and conferring on them an immortality which even their own misdeeds would never have given them.[1]

The custom of public meeting in England dates from the summer of 1769, and the meetings held all over the country to protest against the Middlesex Election, and to demand "a new choice of representatives." The custom of publishing parliamentary debates dates from the time when Mr. Grenville corrected Mr. Henry Cavendish's notes of his great speech, and sent it to the papers. As Wilkes truly said in his address to the Freeholders of Middlesex, "This contest is between the present administration and all the electors of Great Britain. There is nothing personal in it. The cause is national."[2]

The Company's affairs were again—or perhaps still—in an acute stage. On November 21, 1768, the Select Committee had had to tell the Directors that they could not pay their debts. The Treasury is exhausted. It can only be replenished by letting those

[1] The multitude, in all countries, are patient to a certain point . . . the original fault is in government. Perhaps there never was a change, in the circumstances and temper of a whole nation, so sudden and extraordinary as that which the misconduct of Ministers has, within these few years, produced in Great Britain."—JUNIUS, Jan. 21, 1769.

[2] "As we are Englishmen, the least considerable man among us has an interest equal to the proudest nobleman in the laws and constitution of his country."—*Ibid.*

who have made their fortunes in India pay their money into the Company's government in India, to be repaid by the Company in England, with bills payable in English money. But the payment of these loans became very inconvenient, the sole source of ready money was the sale of the investment, or the goods sent home from India and China. If the value of these goods happened to be less than the amount of the bills drawn, there was a deficit; if too many goods came, there was a glut. A great deal of money was absorbed in the task of governing the territorial possessions. Then in May came bad news by the *Valentine* indiaman. The most conflicting rumours disturbed the proprietors and the money-market. By this time the proprietors were at open war with the governing body, and very interesting revelations were made. The proprietors accused Clive of putting about the entirely false report that the Governor and Council of Bengal meant to set up Shaw Alum on the throne of the Great Mogul—they also said that he had lately wasted at least a million sterling, and was always multiplying expenses to gain influence and votes. They described how the "old, steady, permanent proprietors" were become the dupes of the bulls and bears, who told them one day that the Company was flourishing, and the next that its affairs were desperate—that China cargoes are falling off, and yet that there must be more ships; that it is not for want of men and officers that the Company can't beat Hyder, and then a day or two after that there must be 440 officers more. And so "the innocent dupes, male and female, are hurried into the India House by their leaders, to vote away the little property they possess." A "piece of jockeyship" had been played at the April election,—the greatest contest ever known,—£13,000 worth "of capital stock," issued out to qualify one set of gentlemen, was used for the other by the person to whom the money was entrusted, and so the election was turned the wrong way! Angry writers in the *Gentleman's Magazine* lamented the days when the Company had neither place-men nor stock-grabbers, but merchants who knew India were at the head of affairs—markets were studied, and changes allowed for; whereas now, for six years the lists of orders have been simply copied—there is "no assortment, no taste, nothing new," and so sales have fallen off. Then the arrangement about remittances has been so made as to throw all the cash into the hands of the Dutch, Danes, and French,—the French got so much ready cash in Bengal, that they were able to send home twelve ships laden with the choice of Bengal and Coromandel, besides two million pounds of China teas. At such a moment, the Company could not afford to have any military disasters.

In June, when some inkling of the truth got out, Stock fell to 242. The Directors divided their correspondence into three parts—that relating to Bengal, that relating to the war with Hyder, and that relating to the treaty between him and the Mahrattas. They were preparing a statement for Government, and there was much in the correspondence which Government must not see. But, with all their care, things leaked out, and in July dreadful tales began to be circulated, of misgovernment, rapacity, injustice, cruelty—even of the poisoning of inconvenient persons; and, along with these, persistent rumours of military disaster. On the 5th the Directors proposed to send out "Supervisors," who were to examine into all things, and to have powers superseding those of all other officials. There were furious battles at General Courts over this. The "old" proprietors complained of this new expense,—£200,000 a year on annihilating the Company's present governments in India,—if we are to prosper in this fashion, there will soon be no dividend at all! Meanwhile the wrangle about the fortifications continued. Were they to be regarded as assets, since they could not be sold? Ought they not to be so regarded, since they protected the Factories?

On July 7, an event took place which would once have transported the nation with joy—which even now produced a great sensation. Chatham had recovered, and was at the *levée*, where the King received him most graciously—still afraid to offend him.[1]

The East India Directors, too, must have trembled, for Chatham was the great enemy of their territorial power, and that power was just now bringing them into sore straits. There was a new complication, and an unfortunate accident let the cat out of the bag.

At the Court of August 11, the inadvertent reading of a passage intended to be omitted from a letter betrayed the fact that the Company's affairs in the Gulf of Persia were in a "very embroiled state"—a matter wholly unknown except to the Committee of Secrecy; "a stop was put to the further elucidation of it, for fear of affecting the Company's stock." All through the month there were hot debates as to how far the military and naval officers to be lent to the Company were to be under the Company's orders,

[1] "You desired me to write, if I knew anything particular. How particular would content you? Come, would the apparition of my Lord Chatham satisfy you? Don't be frightened, it was not his ghost. He, he himself, in *propriâ personâ*, walked into the King's closet this morning, and was in the closet twenty minutes after the levée."—*Horace Walpole to Conway*, July 7, 1769.

and what powers the Supervisors should have. Meanwhile every indiaman that arrived brought bad news, until the climax came on September 26, when the *Dutton* arrived with letters dated March 8. The Directors boldy declared that "affairs on the coast of Coromandel" were "much in the same situation"; but it was of no use. So circumstantial a report got about that Hyder was actually at the gates of Madras, and that his demands were so exorbitant it was thought they could not be complied with, that East India Stock fell to 212. Now the powers of the Supervisors and the control of the frigates were hurriedly settled. On October 1, the *Hake* and the *Stag* sailed from Spithead, and next day, the three Supervisors—Henry Vansittart, late Governor of Bengal, Mr. Scrafton, of the Bengal Council, and Colonel Ford—embarked on the *Aurora*. The frigates parted company on the voyage. The *Hake* and the *Stag* came safe to port, but the *Aurora* was never heard of more.[1]

On November 13, the *Essex*, from Bombay, brought alarming accounts of dissensions in the Councils, injustice and rapacity on the part of the officials, and such mismanagement and oppression that there had been a general desertion of sepoys. Even some officers had gone over to Hyder! It was true that Hyder had appeared before Madras. The Council had made a treaty with him—all forts to be restored, each side to pay its own expenses, prisoners to be mutually exchanged, and—astonishing and fatal condition—a perpetual league, offensive and defensive, with Hyder. A week after the Directors confirmed this treaty, and so the year ended for the Company.

If the news from the East was bad, the news from the West was not good. In August the country learned that Boston had refused to provide for the troops, and had sent a petition to the King praying for Bernard's removal.[2]

Lord Mayor's Day, 1769, was more exciting than usual. Beckford was Mayor a second time. He was now so much out of favour at

[1] With the Supervisors sailed William Falconer of *The Shipwreck*. He was in the merchant service, when by dedicating his poem to the Duke of York he obtained the rank of midshipman in the Royal Navy. At the Peace, he began his *Universal Marine Dictionary*, and had just finished it, when he accepted the office of purser to the *Aurora*, and private secretary to the Supervisors. The First John Murray,—then Lieutenant MacMurray, and just starting as a publisher—offered Falconer, his old friend and brother-Edinburghian, a partnership in the new concern. Falconer received the letter on board the *Aurora*.

[2] This petition was not presented until after the Governor had arrived in England.

Court, that Lord Chancellor Camden was the only great officer of State who attended the banquet, with only five of the Judges and five of the Aldermen. Earl Temple was there, with his Countess—her diamonds and jewels estimated at £150,000. Also Lord Shelburne and Lord Effingham. Mr. Boswell was in the Stationers' barge. Next day, in the Court of Common Pleas, a jury found a verdict for Mr. Wilkes against Lord Halifax, for the seizure of his papers and the imprisonment of his person. The damages were cast at £4000, but the mob thought they should be £20,000, and the jury had to be withdrawn privately—lest they should be "insulted"—a euphemious expression. The story went that those of the jury who were for higher damages were brought down by being assured his Majesty had declared his intention of defraying all Lord Halifax's costs.

CHAPTER XXIV

THE HORNED CATTLE SESSION

"When Junius began to write, the state of parties was very singular. There were no less than four.—The first may be called the ministerial party, *officially* so.—The second consisted of a number of persons who called themselves the *king's friends*; and being entirely under the direction of the *interior* cabinet, could be transferred to the support of either the ministry, or the opposition, according as it suited the *secret* views of the court. This dreadful system began with the present reign, under the auspices of Lord Bute; and gave to the court the complete control of parliament, by having the power to throw this weight into either scale. There is nothing so dangerous in all the history of the Stuarts."—Almon's Preface to the *Letters of Junius*, 1806.

"My Lords and Gentlemen,—It is with much concern that I find myself obliged to open this session with acquainting you, that the distemper among the horned cattle has lately broke out in this kingdom."

These words, with which the King opened Parliament on the 9th of January, 1770, raised such a storm of ridicule, that the session is known as "the Horned Cattle Session." It became a test of loyalty to believe in the sufferings of the horned cattle —Opposition maintaining that the cattle had the plague only to spare Ministers the embarrassment of mentioning Mr. Wilkes. The speech contained but one passage which was not pure verbiage—that relating to America. It called the measures of the colonists "unwarrantable."

The Address expressed much concern for the horned cattle, said a little in a good many words on our foreign policy,—just then extremely critical,—and ended by lamenting the failure of his Majesty's endeavours to bring back his subjects in America to a just sense of their duty. Their lordships also promised to avoid all heats and animosities among themselves; but the debate which followed was a very angry one. The moment the Address was seconded, Chatham rose. The Duke of Portland had lately written to Rockingham that Chatham was high in spirits, *and in fury*,[1]

[1] Chatham would not join Opposition properly so-called. "The Marquis is an honest and honourable man, but 'moderation, moderation!' is the burden

and his first words showed that he meant to give Ministers all the trouble he could. But he spoke calmly, and with great effect. He said that his age and infirmities might have excused his continuing in retirement, but he came there to urge the hereditary counsellors of the Crown to lay the true state of the nation before their Sovereign—the distress, the discontents and grievances. As for the cattle, there was sufficient power in the Crown to deal with any sudden emergency—he himself had once used it to save a starving people from famine. Then, after touching on foreign policy, he came to America. Unhappy measures had divided the colonists from the mother-country, and drawn them into excesses, but these excesses ought to be treated with tenderness, for they were "the ebullitions of liberty"—signs of a vigorous constitution. He did not know how things were now going; but it had been a maxim with him, when he had lost his way, to stop short, lest by advancing (as he feared a noble duke had done) from one false step to another, he should "wind himself into an inextricable labyrinth," and never be able to recover the right road. As yet the House did not know enough to say whether the proceedings of the colonists were "unwarrantable" or no—they were passing sentence before they had heard the cause, or knew the facts. The combination to supply themselves with goods of their own manufacture had indeed alarmed him much for the commercial interests of this country, but how could it be called illegal? Better say "dangerous." The discontent of two millions of people deserved consideration—the foundation of it ought to be removed; that was the true way to stop such combinations. Now he would only say that liberty was a plant that deserved to be cherished. "I love the tree, and wish well to every branch of it. Like the vine in Scripture, it has spread from east to west, embraced whole nations with its branches, and sheltered them under its leaves." And the Americans have purchased their liberty dear, since they quitted their native country, and went in search of freedom to a desert. Then he came to the encroachments on British liberty, and particularly to the case of Mr. Wilkes. The discontents of the nation arose from his expulsion; the Address ought to say so. He moved as an Amendment a promise to consider the proceedings whereby the Middlesex electors were deprived of their free choice of a representative.

of the song among the body. For myself, I am resolved to be in earnest for the public, and shall be a *scarecrow of violence* to the gentle warblers of the grove, the moderate Whigs and temperate statesmen."—*Chatham to John Calcraft*, July 28, 1770.

Camden, who followed, said he had accepted the Seals without conditions—he meant not therefore to be trammelled by his Majesty—"I beg pardon, by his Ministers." He had suffered himself to be so too long—for some time he had beheld with silent indignation the arbitrary measures pursued by the Ministry; he had often "drooped and hung down his head in Council," and disapproved by his looks those steps which he knew his avowed opposition could not prevent. But now he would openly and boldly speak his sentiments. As to the incapacitating vote, he considered it a direct attack upon the first principles of the Constitution; and if, as a Judge, he was to pay any regard to that vote, or any other vote of the House of Commons, in opposition to the known and established laws of the land, he should look upon himself as a traitor to his trust, and an enemy to his country. In a word, he accused the Ministry, if not in express terms, yet by direct implication, of having formed a conspiracy against the liberties of their countrymen.

Mansfield began his speech in such a manner that many thought he would make the same declaration. He owned he was "perfectly of the same opinion," and that if, as Judge, he "was to have an eye to the incapacitating vote of the Commons, he should look upon himself as the greatest of tyrants, and the greatest of traitors." Nevertheless, with regard to this vote, in *another view*, he would say nothing; he had often been asked his opinion of it, in public, and in private, by friends and strangers, within doors and without; had never given his opinion, would not now give it, and did not know *but he might carry it to the grave with him.* If the Commons had passed an unjustifiable vote, it was a matter between God and their own consciences—nobody else had anything to do with it. The Lords had no right to enquire into it, and any attempt to do so would be a gross attack on the privileges of the Commons, and would throw the whole country into a flame. A Conference of the Houses would never be consented to by the Commons. If the King dissolves Parliament, the new House, "if they know anything of their own privileges, or the laws of this country," will declare our proceedings to be a violation of the rights of the Commons.

It was a specious argument, but it proceeds on the assumption that however illegal any action of one House may be, the other must affect not to observe it. And if the Lords must not enquire into a usurpation of the Commons, the Commons must not enquire into a usurpation of the Lords. Chatham perceived this, and rose a second time, in one of those bursts of indignation which

inspired many of his finest speeches. "My lords," he exclaimed, "I thought the slavish doctrine of passive obedience had long since been exploded, and when our kings were obliged to confess that their title to the Crown had no other foundation than the known laws of the land, I never expected to hear a divine infallibility attributed to any other branch of the legislature. . . . Power without right is the most odious and detestable object that can be offered to the human imagination: it is not only pernicious to those who are subject to it, but tends to its own destruction. . . I affirm that the House of Commons have betrayed the rights of their constituents, and violated the Constitution!" What have we gained by all the glorious efforts of our ancestors, if "instead of the arbitrary power of a King, we must submit to the arbitrary power of a House of Commons? Tyranny, my Lords, is detestable in every shape; but in none so formidable as when it is assumed and exercised by a number of tyrants." Then he laid down the purest principles of democracy—decisions of Courts are an evidence of law, but they are not law; and before they can arrive at even the authority of evidence, it must appear that they are founded in and confirmed by reason; that they are submitted to without reluctance by the people; and—most important thing of all—they must not violate the spirit of the Constitution. "This is not a vague expression—we all know what the Constitution is; we all know that its first principle is, that the subject shall not be governed by the *arbitrium* of any one man, or body of men (less than the whole legislature), but by certain laws, to which he has virtually given his consent, which are open to him to examine, and not beyond his ability to understand. . . . What! If the Commons should pass a vote abolishing this House, abolishing their own House, and surrendering to the Crown all the rights and liberties of the people, would it only be a matter between God and their own consciences, and would nobody else have anything to do with it? You would have to do with it—I would have to do with it—every man in the kingdom would have to do with it!" Then he called on Mansfield to declare his opinion, unless he would lie under the imputation of being conscious of the illegality of the vote against Wilkes, but restrained by some unworthy motive from avowing it to the world.

Mansfield did not reply. Thirty-six Peers voted for the Amendment. After the division,[1] Rockingham moved that the Lords should meet next day, as he had a proposal of great national importance to make. Lord Pomfret very rudely said he

[1] The numbers were 203 to 36.

would be glad to hear the Marquess at a proper time, but now had a previous motion to make—that the House adjourn till that day sen'night. Earl Temple said the House knew the purpose of this adjournment—it was to settle Administration, now shattered and falling to pieces, and particularly to dismiss the Chancellor, and appoint some obsequious tool in his place, who would do as he was commanded. Shelburne said, when the present worthy Chancellor was dismissed, the Seals "would go a-begging"; he hoped there would not be found in the kingdom a wretch so base and mean-spirited as to accept them on the terms on which they must be offered.

It was known instantly in the Commons that Chatham had made his greatest speech since the Stamp Act.[1] There, a debate as angry was going on. The King's Friends brandished the horned cattle in the forefront; but Dowdeswell bluntly declared that the distemper was an invention of Lord Northington's tenants in Hampshire, to procure a quick sale for their cattle—an imaginary terror, designed to prevent our noticing real ones—an artifice to divert our minds from the violation of our rights. He moved as an Amendment, the addition of these words to the Address: "To acquaint his Majesty of the necessity there is of immediately enquiring into the Causes of the unhappy Discontents which at present prevail in every part of his Majesty's Dominions." Beckford said Ministers were trying to conceal fire with smoke. Lord Clare said he had just returned from a tour through the country, and had heard of no discontents. Mr. Cornwall had also been on a tour, and had heard nothing about the cattle.

The Attorney-General scoffed at the petitions. "This House has passed a judicial vote, the Petitions complain of that vote. This House, once chosen, is to all legal intents "the people collectively" —to oppose its judicial proceedings is to subvert our Constitution by the root. His brother, Thomas de Grey, said that the Westminster Petition only contained the names of two persons "of the rank of gentlemen." A ferment was kept up by a few despicable mechanics, headed by base-born people, booksellers and broken tradesmen, and the petition was signed by the scum of the earth, the refuse of the people, unworthy to enter the gates of his Majesty's palace. Here Sergeant Glynn called him to order, and de Grey had to explain that he only meant those who signed were not men of consequence, and that their chairman was a bookseller. George Onslow explained that *he* meant the petitioners were not men of property, or in the commission of the peace. He boasted of

[1] These speeches of Chatham's were not published till 1792.

having introduced Luttrell—a worthy in place of an unworthy member. In the midst of an exceedingly stormy scene—many gentlemen rising to speak for the feeling of their own counties, and the Marquess of Granby declaring that he regarded his vote for Luttrell as the greatest misfortune of his life,[1]—Sir George Savile said he had now had time to cool, and he said again, as he had said before, that in voting for Luttrell, that House had betrayed the rights of its constituents. In great anger, Sir Alexander Gilmour sprang up and cried that men had been sent to the Tower for less. Glynn said debates could not be honest if the tongue was shackled by a slavish fear of giving offence to a majority. North hoped neither the gentleman who mentioned the Tower, nor the gentleman who spoke the hasty words, would think any more about either. But the debate continued to be very angry, until Colonel Barré created a diversion by demanding of Lord Hawke an account of the dispute between the Courts of Great Britain and France.

North assured the House that there was no probability of war, and that he would, "as minister or no-minister," make no servile submissions to France or any other Power. From this it was an easy transition to America, and Barré passionately complained of the words of the King's Speech of November, 1768, which declared that Boston was manifesting a disposition to throw off dependence on Great Britain. The debate went on with great acrimony—America and the Middlesex Election were tossed to and fro like shuttlecocks. Burke—who began with grossly personal remarks on Lord North [2]—defended the right of petitioning. "If it is a fault to persuade by writing, meeting, and speaking, let Lord North tell us what means of persuasion more eligible he has discovered. The Ministers of the unhappy Charles the First told the same tales—when the people were ready to tear the crown from his head, they persuaded him that there was no discontent but among those who endeavoured to open his eyes. In America and here, the same baleful influence has been working. And when we want to redress public grievances, and guard the liberty of election, we are recommended to suppress an infection among the horned cattle—as though this House possessed only the qualification of cow-doctors!"

[1] "I now see the Middlesex Election in another light; I now see, that though this House has an unquestionable and long-established right to expel, a right to incapacitate is lodged only in the legislature collectively."

[2] "Sir, the noble lord who spoke last, after extending his right leg a full yard before his left, rolling his flaming eyes, and moving his ponderous frame, has at length opened his mouth."

Young Charles Fox made his first recorded speech in this debate. He complained of the licence gentlemen had taken in their language that day. Meredith had said that the sentence in the Address, thanking the King for approving the conduct of the House, "would be construed out of doors" as meaning that the King approved their conduct in the matter of the Middlesex Election—whereas every endeavour should be used to keep the King out of present disputes. Fox said it did not mean any particular measure, or every measure. Burke retorted that he was very glad to hear the House meant nothing by their Address. At last the division was taken, and the Amendment was lost by 254 to 138.

The great struggle with Wilkes had now entered upon its second stage, and had become a constitutional question, involving the foundations of democratic government. By the irony of fate, it was waged simultaneously with the other great constitutional struggle on the other side of the world. The retorts of Opposition to the sneers of Administration are worth noting. They spoke of their duty to their constituents, and when twitted with having drawn the graziers and clothiers of Yorkshire into a quarrel which only concerned Middlesex, they replied that those who see oppression approaching must give warning of it. As for hunting for petitioners, as they were accused of doing—there was no need for that—the petitioners sought them; every independent freeholder in the kingdom was filled with alarm. As to the majority of gentlemen of large fortunes not having signed the petitions—this was not altogether the fact. But many gentlemen were much influenced; justices were appointed by the Crown; and no body of men were under greater influence than the clergy—yet even some of them had signed. And are the bulk of the freeholders of no account? Is their opinion of no weight, when they are in fact the least amenable of all to menace, fear, and influence?

The last relics of the Patchwork Cabinet were falling to pieces. Granby had already resigned. Chatham was urging Camden not to commit "the unpardonable weakness to resign in such a crisis." Camden's colleagues had almost ceased to hold any communication with him, even before his speech on the 9th. The King was only waiting to find a new Chancellor. On the 16th the Marquess of Granby resigned all his offices, except the command of the Blues. On the 9th he had voted for the Amendment, and had expressed his repentance for having voted the incapacity of Wilkes. Junius' "Letter to the King," which had appeared in the *Public Advertiser* on December 19th, had made a tremendous sensation—

every copy being sold in a few hours; and in other letters, which scorched and flayed, the Invisible One was pursuing Grafton.[1] These letters threw the nominal head of the Cabinet into such agonies of mind, that he was sometimes for days together too unnerved to transact business. At last, on the 17th, word was brought to Camden to attend at the Palace that evening, and deliver up the Great Seal. That morning the King had provided himself with a new Chancellor. Charles Yorke, the second son of Lord Chancellor Hardwicke, was an amiable man, of brilliant literary talents, very ambitious, but weak. He had been in Pitt's first Administration, and had remained on with Bute and Grenville. He had declined the Chancellorship, when offered by Rockingham —as was said, because he believed that Administration would be unstable—but had consented to be Attorney-General. Since then he had identified himself with the Rockinghams. On the 16th "he received hourly invitations from the ministry to accept the seals; but he declined, and assured several members of Opposition,[2] particularly Lord Rockingham himself, that he never would or could accept, on terms which he could not but look on as derogatory to his particular sentiments, as well as the interest of his country." On the morning of the 17th, he received a message from the King desiring him to attend immediately at the Queen's House. There, "he was so warmly solicited by him in person, that unable to withstand such repeated requisitions, he assented. On his way home, he called at Lord R——m's, when meeting several members of the Opposition, he told them what had happened, at which they one and all upbraided him, in such poignant terms, of his infidelity, that he was instantly taken ill; from whence he was immediately removed to his own house, where he continued so till Saturday evening (the 20th) when he died." It was given out that he had broken a blood-vessel, but everyone believed that he committed suicide. After this tragic event, Shelburne's extraordinary prediction was fulfilled—the Great Seal went a-begging, and was put in a Commission of three Judges! Mansfield, who had refused it, consented to sit on the Woolsack, as Speaker *ad interim* of the House of Lords. What must have been the conditions of slavish submission which made it impossible to find an ambitious lawyer willing to accept the second great office of state in England? Nor was a Commander-in-Chief appointed in Granby's room. The King had made his best servants afraid or ashamed to serve him! A brilliant lawyer, son of a Lord Chancellor, had died a natural or

[1] A copy of the "Letter to the King" was found stuck up in the Palace.

[2] Letter in the *London Evening Post*, January 30, 1770.

unnatural death of mortification at having been persuaded to accept the Chancellorship of England!

Two days after Yorke's death, came on, in the Lords, the great debate on the State of the Nation, introduced by Lord Rockingham's motion. Rockingham showed that the present state of things did not arise from any immediate and temporary cause, but "had grown upon us by degrees from the moment of his Majesty's accession to the throne." The persons in whom his Majesty had confided "had introduced a total change in the old system of English government—adopting the fatal maxim that the royal prerogative alone was sufficient to support government, to whatever hands the Administration should be committed." Among the abuses he complained of was one which does not appear in the histories,—"the general sweep through every branch and department of Administration,"—removes, "not merely confined to the higher employments, but carried down, with the minutest cruelty, to the lowest offices of state"; so that "numberless innocent families," which had subsisted on salaries from £50 to £200 a year, "had been turned out to misery and ruin," with as little regard to justice as compassion. At the same time, the increase of offices in America —since it was admitted that the revenue to be expected was very inconsiderable—was evidently dictated by the desire to strengthen the prerogative, by having a greater number of officers there. Rockingham then spoke of the debt on the Civil List—no account offered, no enquiry permitted to be made, not even the decent assurance that such extraordinary expenses should be avoided in future. On the contrary, there had been a pretty plain hint that the expenses of the King's civil government could *not* be confined within the revenue granted by Parliament. Then the attempt to assert the King's right in perpetuity—as in the late case of the Duke of Portland, in order to serve the purposes of an election. Ireland's affairs were in confusion. In America, violent measures had been adopted—and not even consistently, for while the King's Speeches and the language of the Ministry at home denounced nothing but war and vengeance, his Majesty's Governors out there were instructed to promise relief and satisfaction. Here he quoted Lord Botetourt's speech[1] to the Assembly of Virginia, last May, in

[1] Botetourt died of a fever in 1770. The Virginians liked him. He was conciliatory, and was much chagrined that Ministers wrote saying the grievances should be redressed, and then left the tea-duty unrepealed. Dunmore, who succeeded him, was haughty. He let the province see that he found Williamsburg dull after New York—of which he was Governor for a short time. Washington was on very friendly terms with Dunmore.

which he assured that House, from Lord Hillsborough, that the present Administration "never intended to lay any further taxes on America, and meant to take off the duties on paper, glass, etc., on consideration that such duties were contrary to the true spirit of commerce."

Before Chatham could second the motion, Grafton rose, and said he would second it, though he knew it was aimed at himself. His feeble denials only sufficed to show that Rockingham's indictment was true; his still feebler excuses, that Administration had really no excuse to offer. Then Chatham rose, and made one of his boldest speeches. He said that the foundation of our political existence was corrupted. The Constitution had been grossly violated. Until that wound was healed, it was vain to recommend union to Parliament—unless grievances were redressed he would never wish to see the nation united again. "If the breach in the Constitution be effectually repaired, the people will of themselves return to a state of tranquillity—if not, may discord prevail for ever!" "When the liberty of the subject is invaded, and all redress denied him, resistance is justified." "Magna Charta, the Petition of Right, the Bill of Rights, form that Code which I call the Bible of the English Constitution." He alluded to Corsica; and combated Grafton's contention that only an immediate attack on the interest of this nation can authorise interposition in defence of weaker States. He thought we ought to have interposed on behalf of Corsica. Next, he referred to the Civil List—the waste of the public money was not so important as the pernicious purpose to which we had reason to suspect that money had been applied. For some years past there had been an influx of wealth into this country, which had been attended with many fatal consequences, because it had not been the regular, natural produce of labour and industry. "The riches of Asia have been poured upon us, and have brought with them not only Asiatic luxury, but, I fear, Asiatic principles of government—the importers of foreign gold have forced their way into Parliament, by such a torrent of private corruption as no private hereditary fortune could resist. The corruption of the people is the great original cause of the discontents of the people themselves, of the enterprise of the Crown, and the notorious decay of the internal vigor of the constitution." He then digressed into some remarks on rotten boroughs, at strange variance with his general principles. He thought these boroughs, "corrupt as they are, must be considered as the natural infirmity of the Constitution —like the infirmities of the body, we must bear them with patience. The limb is mortified, but amputation might be death." He

thought there were gentler remedies. The representation of the counties was on the whole pure and uncorrupted. That of the great cities was equally respectable, "and there are many of the larger trading towns which still preserve their independence—it is in these that the strength of the constitution lies, not in the little dependent boroughs." He would increase that strength, "because I think it is the only security we have against the profligacy of the times, the corruption of the people, and the ambition of the Crown."[1]

On the 28th, the Duke of Grafton resigned, and Lord North became First Lord of the Treasury—an office he was to hold for twelve years.[2] The last remains of the Whigs were cleared out. The only names of note among their successors were the truculent bully, Thurlow, who now became Solicitor-General, and Charles Fox, now a Junior Lord of the Admiralty. The work of Bute and the King was complete. For twelve years the King was to be his own Minister. If his nominal Ministers had, as Burke said, no "kind of system, right or wrong; but only invented occasionally some miserable tale for the day, in order meanly to sneak out of difficulties into which they had proudly strutted," it was because they had no policy but the King's will. To please the King they strutted into those dangers, and, to cover that this was their motive, they invented those miserable tales. North's speeches are so often a tissue of transparent sophistries, because he had nothing better to say. His own judgment told him that the policy was what Opposition said it was; but he had to please the King.

Yet even now, with the King supreme in the Cabinet, and with a venal House of Commons, whose support had been bought and sold for two millions sterling, Opposition kept up a stubborn fight—always worsted, but always returning to the assault. On January 24 there had been another acrimonious debate in the Commons, on a Motion for Redress of Grievances before granting Supply. Next day the famous motion was moved by Dowdeswell, "THAT IN MATTERS OF ELECTION THIS HOUSE IS BOUND TO JUDGE ACCORDING TO THE LAW OF THE LAND." The motion put the House into a dilemma—to deny the principle was to give Parliament "a monstrous and alarming power"; there was indeed no limit to what a House packed with King's Friends might vote. But to admit it would inevitably lead to the rescinding of the vote on the Middlesex Election. So North, who was good

[1] Chatham was for a "more equal representation, by additional knights of the shire."—Letter of 1771.

[2] "Your Grace was the firm minister of yesterday; Lord North is the firm minister of to-day."—*Junius to the Duke of Grafton*, February 14, 1770.

at such expedients, proposed as a rider, "And that the judgment of the House, declared in the expulsion of John Wilkes, was agreeable to the said Law of the Land." And so the motion passed, by 224 to 180.

In the Lords, Rockingham moved the same declaration,[1] and Chatham made a powerful speech. After the division, though it was now past midnight, Lord Marchmont moved, "That any Resolution directly or indirectly impeaching a judgment of the House of Commons, in a matter where their Jurisdiction is Final, would be a violation of the constitutional rights of that House." Opposition said that "the Scotch kept this motion in their pockets"—as neither Marchmont nor Mansfield (who supported it) had opened their mouths till now. Marchmont on this occasion, with insolence scarcely credible, threatened Opposition that if they went but one step farther they would justify the calling in "foreign assistance." The Duke of Richmond asked him what he meant by "foreign assistance," but Marchmont shuffled it off. Egmont said the petitions were treasonable—the people had no right to present them. Chatham in vain pleaded for an adjournment, if but for two days—"If the Constitution must be wounded, let it not receive its mortal stab at this dark and midnight hour." But at half-past one in the morning this monstrous proposition was put and carried. Thus the Lords gave the Commons a sort of royal prerogative, whereby they must never be said to do wrong. They trusted always to have a Lower House as venal as this.

In the debate on Lord Craven's motion[2] for steps to be taken "for an increase of seamen in the Navy, to protect the trade of his Majesty's subjects," Chatham made a speech which sheds a curious light on the early years of the reign of George III, and partly, no doubt, accounts for some inconsistencies in Chatham's own conduct. After condemning the conduct of the Ministry in almost every particular concerning the Navy, he went on to speak of secret influence, which "had subsisted from the first moment of his Majesty's accession." He called it dangerous, base, unconstitutional and wicked. It had undermined and overturned every administration, however "constituted or supported." He spoke of "an invisible, irresponsible influence—of the pernicious counsels of a favourite, who had occasioned all the unhappiness and disturbances in the nation," and whose agents had extended his pernicious politics and principles to the government of the colonies. Though this favourite was at that moment abroad, his influence, by his confidential agents, was as potent as if he were present. "Who

[1] February 2. [2] March 2.

does not know the Mazarinade of France—that Mazarin absent was Mazarin still?" The late Peace showed his influence. Then raising his voice, he said deliberately, "This country was SOLD at the late Peace; we were SOLD by the Court of Turin to the Court of France"[1]—he would not then say what other persons were concerned, but what he had stated was a FACT. He himself had been duped by this influence when he least suspected treachery—in particular at the time when he was taken ill, and obliged to go to Bath "for a short week." Before he set out, he had formed some plans with great care—they were, he believed, of the utmost importance to the country—they had been approved in Council; the King himself had given his approbation. But when he returned, he found his plans were all vanished into thin air. He was going on, when Grafton rose, "to defend the King—though if I understand rightly the words which have been spoken, they are only the effects of a distempered mind, brooding over its own discontent." Chatham replied, "I rise neither to deny, to retract, nor to explain away, the words I have spoken." His Majesty had always been "every thing gracious and amiable in the closet"—the obstacles of which he complained came from the secret influence, working first by secret treachery, then by official influence, then in public councils. "A long train of these practices has at length unwillingly convinced me that there is something behind the throne greater than the King himself." As to the noble duke, as soon as I was taken ill, he gradually deviated from everything that had been settled and solemnly agreed to—"till at last there were not left two planks together of the ship which had been originally launched. As to a distempered mind, I have a drawer full of proofs that my principles have never given way to any disease."

Next day, in the debate on the Civil List, Chatham spoke in support of a motion for Enquiry. "I can never consent to increase

[1] Wraxall (*Own Times*) says that John Ross Mackay, who had been private secretary to Bute, and afterwards for seventeen years Treasurer of the Ordnance, once after dinner at Lord Besborough's, in Cavendish Square, in 1790, said that the Peace of 1763 was carried by money—he was the channel. "With my own hand I secured above 120 votes on that vital question to Ministers. Eighty thousand pounds were set apart for the purpose. Forty members of the House of Commons received from me a thousand pounds each. To eighty others I paid five hundred pounds apiece." Wilkes knew this in 1764, and that this caused the debt on the Civil List. Robinson, and under him Brummell, did this business during the American War (Bradshaw did it for Grafton). But Wraxall thinks that towards the close of North's Ministry the practice declined, or at any rate became more decent; members were no longer paid in bank-notes, out of "the minister's pocket-book," as in the time of Walpole, Pelham, and most others.

fraudulently the civil establishment, under pretence of making up deficiencies, nor will I bid so high for royal favour: and the minister who is bold enough to spend the people's money before it is granted (even though it were not for the purpose of corrupting their representatives), and thereby leaving the people of England no alternative, but either to disgrace their Sovereign, by not paying his debts, or to become the prey of every unthrifty or corrupt minister—such minister deserves death." Then—apparently on some sudden impulse, for the words have no connection with what goes before or follows—he made the well-known allusion to George II. "The late good old King had something of humanity, and amongst other royal and manly virtues, he possessed justice, truth, and sincerity in an eminent degree; so that he had something about him by which it was possible to know whether he liked you or disliked you." Then he spoke of pensions. "I have been told I have a pension, and that I have recommended others—It is true, and here is a list of them—you will find the names of General Amherst and Sir Edward Hawke—they were given as rewards for real services—they were honourably earned in a different sort of campaigns than those at Westminster."

Next he spoke of Camden, whose public and private virtues only "made his station more precarious." "My suspicions have been justified. His integrity has made him once more a poor and a private man; he was dismissed for the opinion he gave in favour of the right of election by the people." Here Marchmont called Chatham to order—some lords even cried, "To the bar, to the bar!" Marchmont moved that the Earl of Chatham's words be taken down. Chatham promptly seconded the motion. "I neither deny, retract, nor explain the words. I do re-affirm the fact, and I desire to meet the sense of the House; I appeal to the honour of every lord in this House, whether he has not the same conviction." Rockingham, Temple, and many other lords "did upon their honour affirm the same." Sandwich and Weymouth would have withdrawn the motion; but Marchmont, encouraged by Mansfield, persisted, and moved that nothing had appeared to justify such an assertion. Then it was moved to adjourn. The clerk read the words spoken by Chatham—"That the late Lord Chancellor was dismissed for giving his vote in this House." Then Marchmont's second motion was moved and carried. But Chatham continued. "My words," he said, "remain unretracted, unexplained, and re-affirmed. I desire to know whether I am condemned or acquitted?" No answer being given, he went on: "If I am to go off acquitted, I do now declare

to you, that there are many men to impeach, and many measures to arraign; and by God's blessing, I will arraign and impeach them." He was reproached for having advised the King to take Grafton—he had pushed him on, forced him on the King, as First Minister. "I did indeed recommend him for the Treasury," said Chatham; "but I never could be supposed to have thought of that boy as the First Minister of a great nation. I advised his Majesty to take him, but there is such a thing as time as well as tide; and the conduct of the noble duke has convinced me, that I am as likely to be deceived as any other man, that I am as fallible as my betters." Then reverting to the question, he quoted Walpole's words, "Those who gave the power of blood, gave blood." So those who gave the means of corruption, gave corruption. "I will trust no sovereign in the world with the means of purchasing the liberties of the people." The King had assured him he never intended to exceed the allowance made by Parliament; therefore, "at a time when there are no marks of personal dissipation in our King," and "no marks of any considerable sums having been expended to procure the secrets of our enemies," it is most extraordinary that a request for enquiry should be refused. "Does the King mean, by undrawing the purse-strings of his subjects, to spread corruption through the people, to procure a Parliament, like an infamous packed jury, ready to acquit his Ministers at all adventures? I do not say, my lords, that corruption lies here, or that corruption lies there, but if any gentleman in England was to ask me whether I thought both Houses of Parliament were bribed, I should laugh in his face, and say, 'Sir, it is not so.'" "An enquiry into the Civil List is expedient, proper, and just; a refusal of it at this time will not add dignity to disgrace—it will only add ridicule and folly to enormity."

The Lords rejected the motion for Enquiry.

Nothing was less desired than the asking of questions. Especially must the allusion to "the late Peace" have made some quake who heard Chatham, for on the 24th of January, Dr. Musgrave had been examined at the Bar of the Commons, on his statements as to the means whereby the late Peace was obtained. The doctor had been told in Paris that eight million livres had been sent into England to buy a peace, and that the money was divided between Lord Bute, Henry Fox, and the Princess Dowager! That mysterious personage the Chevalier d'Eon was closely connected with this story, which the House pro-

nounced to be "in the highest degree frivolous and unworthy of credit."[1]

[1] The mysterious Frenchman (later called M. le Beau) seems to have denied that the Princess' was the third name. "All he knew was that it was a lady, mistress of a man of great quality." Madame de Pompadour was mentioned as being bribed on the French side. No doubt there was something in it. Persons of great importance were brought in by Musgrave's informant, and we never hear that any of them complained of the use made of their names by Musgrave. Both English and French seem to have been anxious not to enquire too closely into the matter.

CHAPTER XXV

THE REPEAL OF THE REVENUE ACT

"A greater misfortune cannot befall a trading Nation than to have a Minister at the head of its Finances totally ignorant of the Nature, the History, and the general State of Commerce, yet at the same Time so all-sufficient, so self-enamoured, as to prefer his own reveries to the soundest Advice."—"Anglo-Americanus," in the *Public Advertiser*, Feb. 8, 1766.

"They never had any kind of system, right or wrong: but only invented occasionally some miserable tale for the day, in order meanly to sneak out of difficulties into which they had proudly strutted. . . . They were put to all these shifts and devices, full of meanness and full of mischief, in order to pilfer piecemeal a repeal of an act which they had not the generous courage, when they found and felt their error, honorably and fairly to disclaim. By such management . . . so paltry a sum as three-pence in the eyes of a financier, so insignificant an article as tea in the eyes of a philosopher, have shaken the pillars of a commercial empire that circled the whole globe."—*Burke on American Taxation*, April 19, 1774.

"The body of the English people must assert their own cause . . . they will not surrender their birthright to ministers, parliaments, or kings.

"We can never be really in danger, till the forms of parliament are made use of to destroy the substance of our civil and political liberties; till parliament itself betrays its trust, by contributing to establish new principles of government."—*Junius, on the City Address and his Majesty's answer*, March 19, 1770.

THREE days after this scene in the Lords, the affairs of America came before the Commons, in the shape of a petition from the merchants of London trading to North America.[1] Its presentation was made the opportunity for the long-promised Bill to repeal the Revenue Act. As soon as the petition had been read, Lord North moved the repeal of all duties laid on by that Act, *with the exception of that on tea.*[2] In his speech he said of the Revenue Act, that it "must astonish every reasonable man to think how so preposterous a law could originally obtain existence from a

[1] March 5.

[2] "I see nothing uncommercial in making the Americans pay a duty upon tea. I give no opinion, one way or the other, what it may be right to do in a future session; provided America shall have behaved with duty and proper respect, and take no undue steps to enforce the repeal of this act."—LORD NORTH, April 19, 1774.

British legislature."[1] He knew how extremely unacceptable to many gentlemen any favour to America would be, but in the vehemence of their resentment against their fellow-subjects beyond the Atlantic, they must not forget the prosperity of this kingdom. As to the duty on tea, he did not see the Americans had any mighty reason to find fault—we are taking off another tax of a shilling in the pound. This is only threepence, so they will save ninepence on every pound they buy. They can't call that oppression! If we abolish this tax, they will only think we are frightened, and we shall be giving up our just right to tax them. "The properest time to exert our right of taxation, is when the right is refused." They will soon be tired of doing without our goods. It is true our exports to North America have fallen off—in 1768 they were £2,378,000, and in 1769, only £1,634,000; but this is not as bad as it looks, because, foreseeing the non-importation scheme, the importers laid in a double quantity in 1768.

Governor Pownall urged complete repeal, not "as an American measure," for the leading people there do not now wish it to be repealed. The measure has had the effect of making them look to their own internal native supplies, and has raised a spirit for labour and manufacture within. "It has placed their commerce on economy, instead of luxury." Their leaders think this state of things salutary, and wish it to continue. Then he went minutely into the state of British trade to North America—"It is in an alarming suspense." He took the rise and fall of exchange, all over the colonies—this rise and fall is your commercial barometer! The exchange has fallen, and in proportion as it has fallen so has your trade diminished. Then he showed them the folly they had committed in taxing articles of our own trade; how, at first, having no other shop to go to, the colonists had been obliged to allow us to put our own prices on commodities we supplied; but we had gone still farther, and taxed them on these commodities. "You have treated us as the overseers of great works and manufactures treat the poor labourers under their direction. You set the price of our labour, and you set also the price of those supplies which we must purchase by the fruits of our labour; while you are enabled to confine us to the purchasing them from you alone—and would you

[1] "When we consider this law as a measure of finance, the fact upon your table proclaims its insufficiency, for the sum returned, as its whole net produce, amounts but to £295 and a few shillings. . . . It lays a duty upon painters' colours. . . . Can anyone imagine that there is no red or yellow ochre on that great continent?"—POWNALL.

superadd a tax to all this?" Then the tea. By your bargain with the East India Company, you have made it no longer the interest of this great corporate merchant to export teas to North America. For as there is a drawback of 25 per cent. on every pound of tea exported from this island, and the Company is bound by the agreement to make good every deficiency caused by this drawback, it would rather not export. It would rather the Dutch supplied North America with tea. This case is infinitely more anti-commercial than any trifling duty laid on your own manufactures. In the first place this drawback of 25 per cent. does not amount to a shilling (as has been said), but only to 7d., or thereabout, in the pound — so it can only operate as a bounty of 4d. But it is no bounty at all; because whatever duty the East India Company pays originally at the Custom House, on importing teas from Asia, that sum is added to the price of their tea in their sales. So the exporter to America draws back only that sum he has already paid in the price of his purchase; "by which means, there is an advantage in favour of the Dutch teas imported into the colonies against the British teas, of 25 per cent. difference—surely more anti-commercial than the duties you propose to repeal!" And the tea will not raise enough to pay the expenses of collection—it won't raise more than £7000 a year, if that. And all this, to keep up your claim to a right you cannot enforce!

Pownall also showed that if there was not "that suspense of trade in this country" of which merchants complained, they would not be obliged to remit specie instead of goods to America—the balance of trade in our favour would supply all that was wanted there, whereas, as was shown by the "accounts of extraordinaries" now lying on the table, £76,000 had been advanced to the contractors to enable them to purchase Spanish and Portuguese bullion.

George Grenville, always so intensely sore on the question of America, said he felt called on to speak, "because the principal confusions of that country are supposed to originate with me." But if the Stamp Act was injudicious in mode, it was at least salutary in intention, and meant for the common good of both countries—the Revenue Act was "diametrically repugnant to the principles of commerce," yet did us no good—"it does not bring in £16,000 a year." He could not suppose partial repeal would "reduce the colonies to temper," and yet a total repeal would not "sufficiently provide for the dignity of the nation." "I shall not therefore give my voice on the present question."

Barré said we were undoing with one hand what we did with the

other—having promised the East India Company to put its teas upon the same level as those of the Dutch ("whose moderation in price obtains a preference at every market"), we laid a fresh duty on tea, and laid it so that it must act as an absolute prohibition to the sale of the Company's teas throughout English North America. In 1768, the teas sent to America amounted to £132,000, whereas in 1769 they were only £44,000, "and probably this year will not exceed a quarter of that sum," as the colonists are daily more angry at our proceedings, and agreements have been entered into for the absolute disuse of tea.

But no argument could prevail. The anti-commercial Act, admitted to be preposterous, was repealed partially, with the avowed object of retaining the power of passing other anti-commercial Acts. By 204 to 142 the tax on tea was retained. The 204 were voting the Independence of America.

Governor Bernard was largely responsible for the retention of the tea-duty. He it was who persuaded Ministers that the Non-importation Associations were breaking up—America was in the greatest distress for want of our goods, could no longer subsist without them, and must submit to any terms we chose to impose. It was pretended that the duty on tea was left to serve the East India Company; in reality, it was left—as was frankly admitted later—to preserve the right to tax. If the intention had been to serve the Company, the duty would have been taken off Singlo. America drank Bohea; but it was not Bohea, it was "the sort called Singlo" which lay so heavy on the Company's hands, and Ministers hoped to tempt the Americans by the offer of good tea, not of the inferior sort. Bohea was the more saleable. If the duty had been taken off Singlo, and those millions of pounds thus worked off on America, the Company could have got rid of its Bohea. The Company must be supposed to have understood its own business, and the Company was earnest for the removal of the duty.

It seemed as though an evil fate pursued Administration in all its dealings with America. On the 21st of April—less than six weeks after the Repeal of the Revenue Act—very ugly news came from America of a riot in Boston. The soldiers had fired on the people, the alarm-bells had been rung, the inhabitants had taken up arms. Captain Preston, whose men fired, was in custody. Next day more than 3500 men, well-armed, had marched into Boston, and as many more were expected—lastly, the people had compelled the Lieutenant-Governor to remove all the troops to the Castle.

Strange to say, Ministers now seemed in no hurry to do any-

thing. It was near the time for Parliament to be prorogued, and they were willing to wait till it was gone. But on May 8 Governor Pownall moved for an Address to the Throne, setting forth all the disputes in America, since the appointment of a Commander-in-Chief. He asked for an enquiry, to see whether the Crown had been misinformed, whether Ministers had "by secret narratives, which have been suppressed among a few," made suggestions of treasons, and told his Majesty that America will not be subject to lawful authority. Also to know what strange cause can have produced so strange an effect, and brought so total a change in the temper of subjects as loyal and affectionate as any his Majesty has within his dominions—especially the people of Massachusetts Bay, whom Pownall had the honour to know "in their better days," when his Majesty's Government there was in a very different state from what it was now. There was never a more affectionate colony. "They have no other idea of this country than as their home; they have no other word to express it, and till of late, it has been constantly expressed by the name of home." Think of the services of that province in the expedition to Quebec, think of the Siege of Louisburg, think of Crown Point. When they were only asked to raise 2300 men, as a "quotha" of 7000, they raised the whole 7000. They kept up a ship of war, and an armed sloop, to protect the trade in those seas. And for these expenses they raised during the war £80,000 per annum. Now they are changed, and I will tell you why. We suspended the Assembly of New York, because it "would not will as we had willed, and this spread an alarming apprehension throughout the continent, which we have confirmed by threatening to dissolve other Assemblies, if they will not rescind resolutions come to in their deliberative capacity."

The Boston Council has been represented as totally democratic—formed and directed by the will of the people; but "as it hath more authority within the province than any other council, in any other part of his Majesty's American dominions," so it has always been more ready to comply with every matter where the honour or interest of his Majesty's government there could be concerned, than any other council, formed on any other plan.

The whole of this careful and learned speech was a protest against the appointment of a military officer, over whom two Governors had successively declared they had no command. This martial law it is which has caused this state of confusion; this is what has alarmed the people.

The same day the House debated on Burke's Resolutions.

They were to the effect that the disorders in America had been caused by "ill-judged and inconsistent Instructions; by dissolving Assemblies, and yet allowing the new Assemblies to sit without disavowing their former acts." Also that it is "unwarrantable, dangerous, and an high breach of the privilege of this House," to promise to the American Assemblies the interposition or influence of his Majesty, or of his confidential servants, with this House. That the faith of the Crown ought not to be pledged to the said Assemblies, for the laying on, or laying off of any taxes or duties whatsoever. And that to lay before this House suggestions of treason, or misprisions of treason, in America, in order to bring this House into a plan for punishing such supposed treasons, when in reality no such treason exists, is an audacious insult to the dignity of Parliament.

But all this came to nothing. A majority of more than a hundred negatived the Resolutions. Nor had the debates in the Lords any better fortune. On May 14 Chatham's motion for an Address to the King to dissolve Parliament was negatived without a division. In the debate of the 18th the American papers were read—among them some of Hillsborough's letters. The Duke of Richmond charged Ministers with shameful neglect of a situation hourly growing more alarming. He moved a set of Resolutions blaming particular actions—especially Hillsborough's letter to Governor Bernard with the order to dissolve the Assembly; and his letter to Lord Botetourt, Governor of Virginia, which personally involved his Majesty in the measures of his Ministers. He also severely blamed the "suggestions" of treasons which did not exist, and to punish which no steps had been taken, even if they did exist.

Hillsborough hinted that the noble duke thought it criminal to vindicate the supremacy of the Mother Country. "My criminality is my principal boast. The star of America shall never have my voice, to shine either upon the destruction or the disgrace of Englishmen. The colonies are our subjects." I trust we shall "beg our subjects to condescendingly yield obedience to our inherent pre-eminence." It is entirely the fault of Opposition that we have not come to an accommodation of these unfortunate dissensions—they are continually exciting the Colonies to demand concessions which the Mother Country cannot consistently allow. They deplore the loss of trade, and advise the Americans not to deal with us. "In fact, my lords, their whole patriotism is a despicable avarice of employment"—they want to distress Administration, not to serve their country. So this poor kingdom

must be sacrificed to her dependencies, and the British Parliament must rescind its laws at the bidding of a provincial assembly. Can you, my lords, restrain your indignation at this abject proposition? "Is not the whole Englishman maddened in your bosoms, at the remotest thought of crouching to the creatures of your formation? Have you erected colonies to be your masters?"

Here there was a cry of "Adjourn!" but Rockingham reminded the House that the Mother Country herself was not always able to restrain the spirit of her own populace, "upon particular occasions." She should therefore learn to make the same excuses for the Americans, which she requires for herself. "Few popular insurrections have ever taken place in an English government, without having a strong appearance of justice, if they were not originally justified by the error of the governors." Temple said Ministers were afraid of their conduct being examined, lest their mismanagement should come to light. Especially they tell us, in Speeches from the Throne, to consider the state of America, and when we try to consider it, they call for an adjournment. On the last day but one of the session, we are no farther on than when it began—everything is still unsettled and alarming. Gower said if the session had not been taken up with the Middlesex Election, something might have been done with America—Opposition said that the Middlesex Election was an affair of the last moment to the British Empire, and now they are angry that we have spent so much time on it that we cannot attend to America. Majorities are always called corrupt by Opposition; and the kingdom is always on the brink of destruction according to them—he hoped the same remarks would be made in succeeding ages, when "the public-spirited worthies of the present hour are either consigned to oblivion, or hung up to the ridicule of posterity." Then the House adjourned, and next day Parliament was prorogued.

The excitements of 1770 did not concern America. Far other questions absorbed attention, and sometimes aroused fury. The first was the expulsion of Wilkes.

On the 1st of March a memorial was presented to the Court of Common Council, setting forth that the petition of last June had never been answered. "The subjects of the most despotic prince on earth, when they humbly petition their sovereign on the score of grievances, at least expect an answer." Six of the Livery signed this memorial. Great debates followed; but by a very great majority the Memorial was received. A meeting of the Common Hall was then called; Beckford took the chair, and in the course

of his speech, said he would tell the Livery his political creed. It was "that the number of little paltry rotten boroughs, the number of placemen and pensioners, and the corruption of the electors as well as elected, were the instruments that would in time prove the ruin of the state. There must be a more equal representation of the people, the number of placemen must be limited by law, and the servants of the Crown must be obliged to show fuller accounts of the money they spent—a million of money must not be accounted for in one line!"

Then an "Address, Remonstrance and Petition" was produced, and read to the meeting. It spoke with extreme plainness of "the same secret, malign influence, which through each successive administration, has defeated every good, and suggested every bad intention"; and under which the majority of the House of Commons "had done a deed, more ruinous in its consequences than the levying of ship-money by Charles the First, or the dispensing power assumed by James the Second. The forms of the Constitution, like those of religion, were not established for form's sake, but for the substance." "We do not owe our liberty to nice and subtle distinctions, and we will not be cheated of it by them." This Remonstrance was twice read, and was received with "long and continued acclamations."

The next thing was to present it, and next day the Sheriffs went to St. James' to know when his Majesty pleased to be waited on. They had to wait till the levée was over. Then Lord Denbigh came and spoke to them. He asked, among other questions, whether the City had ever presented a remonstrance to a King before? Mr. Sheriff Townsend asked whether a King of England had ever before turned a deaf ear to the petition of 60,000 freeholders? At last they were admitted to the closet, and his Majesty told them he would take time to consider and to consult his Secretary of State.[1] The day after, Weymouth wrote to the Sheriffs, to ask how the remonstrance was authenticated, and what was the assembly which had adopted it? The Sheriffs went again to the palace, and again saw the King—Lord Bolingbroke pushing back the City Remembrancer, as he would have followed the others into the closet. The Sheriffs told his Majesty that the remonstrance was adopted by the Livery of the City of London, in Common Hall assembled. Again his Majesty took time, but finally consented to receive it. So on the 14th, Lord Mayor Beckford, the Sheriffs, the Committee of the Livery, and one hundred and fifty-three of the Common Council, went in their coaches to St. James', attended by

[1] March 8, 1770.

all the City officials, from the Common Sergeant and the Common Clerk, down to the Common Crier. The King received them on the throne. The Common Sergeant began to read the Remonstrance, but was "in too much confusion to proceed," so the Common Clerk, Sir James Hodges, read it to his Majesty, "very properly and distinctly, with a suitable and judicious emphasis." In his answer (written by Dyson), the King said the Remonstrance was disrespectful to himself, and injurious to his Parliament. Next day the *Public Advertiser* said that the King had turned to his courtiers and burst out laughing.

The "Catilines of the City" were not abashed. They prepared a second Remonstrance—this time they called it humble. It implored his Majesty in very affectionate terms to dissolve this present Parliament, remove his "evil ministers," and extinguish "that fatal influence which had caused so much national discontent." It was on the occasion of presenting this second remonstrance that Beckford horrified the King and his courtiers by making a speech.[1] Beckford maintained it was very humble and dutiful. The courtiers called it "impudent, insolent and unprecedented."[2] It is engraved on the pedestal of his statue in the Guildhall.[3]

The King was very angry. He said to Conway, that sooner than consent to a dissolution he "would have recourse to this"—laying his hand on his sword. And when on the 29th of May the City had to approach him again with the compliments of the Corporation on the birth of a princess, he stipulated for no extemporaneous speeches.

It was Beckford's last appearance. He died of a fever on the 21st of June, leaving the bulk of his enormous fortune to his only legitimate son, the author of *Vathek*.

On the 2nd of June, John Almon, the bookseller, was tried in the Court of King's Bench before Lord Mansfield for selling Junius' "Letter to the King" in the *London Museum*, a magazine which he did not print, nor did he know that it contained the Letter. The two

[1] June 1, 1770.

[2] Unprecedented it certainly was; and it was improper, because, if the King can do no wrong, he must always be supposed to act under the advice of his Ministers, which he cannot do if he is drawn into replying to an extemporary address. It has been said that the words on the pedestal are not those Beckford actually spoke, but were written after his death by Horne Tooke. It is, however, evident that Beckford said something to the same effect, even if not in these precise words. Chatham's letter to him, of May 25, which says, "the spirit of Old England spoke," proves this beyond a doubt.

[3] It was said that Chatham drew up this Remonstrance.

messengers sent to buy it, said they received it from "somebody" —adjuged by the Court to be Almon's servant. He was therefore found guilty, but the Court took time to consider sentence. No doubt Almon was selected on account of his active political partisanship. All the magazines contained the Letter, and all the booksellers sold it.

On the 13th, Henry Sampson Woodfall, printer of the *Public Advertiser*, appeared before the same Court, "for a seditious printing and publishing of a paper signed *Junius*." Mansfield told the jury they had only to consider the printing and publishing—not the nature of the paper. He "did not leave it to the jury whether the paper was innocent or not." The jury retired a little before noon, and at four, when the Court rose, were not agreed. It was nearly nine when they delivered their verdict at Lord Mansfield's own house. They found Woodfall "Guilty of Printing and Publishing ONLY." It was reported that a verdict of "Not Guilty" would have been given at five o'clock, but two jurymen—the King's plasterer and a baker—stood out.

The verdict was ambiguous. Two motions were made in Court—Thurlow, for the Crown, claiming it as one of "Guilty"; Sergeant Glynn, for Woodfall, demanding why defendant should not be discharged. Mansfield's influence was not sufficient to prevent the Court of King's Bench deciding that there must be another trial.

Almon was not sentenced till November—when he was fined ten marks (£6, 13s. 4d.) and ordered to find sureties for his good behaviour for two years—himself to be bound in £400, and his sureties in £200 each. Mansfield left another Judge to pronounce this sentence. Woodfall's second trial ended in a fiasco. Thurlow, in proving publication, said he had not a copy of the original newspaper. "That's not my fault, Mr. Attorney," said Mansfield —and so the trial broke down! The fact was, the foreman of the first jury had pocketed the copy, and had afterwards destroyed it. Junius wrote terrible letters to Mansfield, and Camden asked him in the House of Lords a string of questions which he refused to answer; while in the Commons, Sergeant Glynn told the House that in the reign of Alfred the Great forty judges were hanged! "This precedent I do not mention as an example for your imitation."

The trial of Almon was the inspiring cause of the important debate of November 27, 1770, "On the Power of the Attorney-General to file Informations Ex-Officio." Captain Constantine Phipps made a vigorous speech. He called this power "a cousin-german of the Star-chamber." Its very nature is arbitrary, incompatible

with the spirit of free government. An Attorney-General is always the creature of the Ministry—he is their shuttle-cock, all his hopes depend upon them. He must do what they tell him, or good-bye to his hopes of £3000 a year pension, and of the office of Chief Justice in Eyre; "he must bid the King's bench and the Chancellorship adieu for ever." By this ex-officio power, he can, of his own motion, or at the bidding of a Secretary of State, "christen any paper by what name he chooses." He can call it "an infamous, seditious, or treasonable libel." And then he can file an information and commence a prosecution, without hearing any evidence, or examining a single witness. "Sir, can anything savour more of tyranny and despotism?" Even if a man can clear himself, he may be ruined by the expense. Thus any person obnoxious to a Minister or an Attorney-General "may be unjustly suppressed." He read the Act 4 & 5 of William and Mary, made to prevent "malicious informations in the Court of King's Bench," and moved for a Bill to explain and render it more effectual. His motion was lost by 164 to 72.

The Opposition which fought these great constitutional battles of this period has left an indelible mark on English history and English politics. The great speeches of its great orators are a part of the glory of England. Could they be blotted out of our memory, half of our boasting would be vain. When we talk about Britons never being slaves, we do so as the political heirs of the men who fought a losing battle in their time—almost invariably swept down by the overwhelming numbers of the "King's Friends," but even in defeat handing on the sacred fire of liberty to generations yet unborn. It is good for us to remember that the most famous of all English Oppositions, since party government came into existence, hardly ever carried a single motion, and yet saved English Liberty. And among this goodly company of patriots must be reckoned the name of George Grenville, who, in spite of his one grand mistake, was always true to the great principles of the Constitution. He was very unfortunate as a Minister; and that he came into office as Bute's nominee is one of the many perplexing facts of this period. But he lost office because he would not further the King's unconstitutional attempt to make his Ministers literally his "servants." He took the constitutional side on all the great questions which agitated the country in the next few years. He withstood the arbitrary power of Ministers in the matter of General Warrants—first cousins to *lettres de cachet* and orders of the Star Chamber. He did what was harder—he withstood the arbitrary power of the House of Commons, in the matter of the Middlesex Election. His

great Bill for Settling Controverted Elections put an end to the old system of secret (and packed) Committees, and ensured a disinterested tribunal.[1] He consistently opposed the increase of military power, whether in England or Ireland. After his first great mistake as to America he took up the unassailable position that something like consistency ought to mark our policy; and that if we meant to conciliate, we ought to do so generously—if to assert our authority, to do so effectually; but all his speeches on this subject show that he was against proceeding to extremities. Nor, in blaming him for the initial error, must we forget that that error would have been repaired but for the still greater errors of the Revenue Act.

George Grenville died on the 13th of November, 1770, and with his death Opposition almost dissolved. The differences which divided it became more paralysing than ever. The more honourable lost heart, and talked of ceasing to attend debates and provoke divisions which only revealed their weakness. The more ambitious, seeing nothing to be made out of Opposition, reconciled themselves with Administration. Of these were several of the Bedford Whigs, and Wedderburn, who now joined the Cabinet as Solicitor-General. He owed his conversion—and his promotion—to Charles Fox, who on the 19th of February, 1770, when the House had been for hours debating the Middlesex Election, and Wedderburn had convinced even ministerialists that there was no precedent for annulling an election, suddenly produced a precedent, so recent that it disposed of Wedderburn's argument. The House roared with applause, and the King made Fox a Junior Lord of the Admiralty.[2]

Wedderburn had been thought unlike all other parliamentary lawyers—he appeared to speak because he himself was convinced. In May of 1770 he denounced the attempt to tax the Colonies in words which thousands in America quoted to each other, as showing that at last the English people saw they had been in the wrong. He had predicted—he had all but justified rebellion. He became worth buying, and let it be known he could be bought—after which he fell foul of Ministers more fiercely than ever. He even deceived Chatham. When, on January 25, 1771, it was announced that Alexander Wedderburn, Esq., had become Solicitor-General, the impression was profound. Feeling that he must say

[1] Grenville, who knew that he was dying, asked the House to cheer his last days by passing the Bill. It went easily through the House. He then brought in the Bill for an Enquiry into the Civil List. North jested this down, and when other members asked for an explanation, "the House yelped it down."

[2] February 28, 1770.

something, he said that he had been a follower of Mr. Grenville—Mr. Grenville's death had set him free. When the writ for his re-election was read, there was a deep groan. When he had to walk up the floor between men he used to denounce, "he blushed as red as fire." Years after, when North said the Whigs talked of patriotism and justice, when they meant pensions and places, all eyes turned to Wedderburn—sitting at North's elbow, pale as death.

There was a tremendous excitement, at the end of this year, about the seizure of the Falkland Isles by Spain, and the tame conduct of Ministers in accepting restitution without an explicit acknowledgment of our right to the islands. In this debate Chatham made a powerful speech, which the King must have rejoiced to know was made in that House, and not the other. At one moment he diverged from foreign to home politics. "There are men, my lords, who if their own services were forgotten ought to have an hereditary merit with the House of Hanover. . . . There are other men, my lords—looking sternly and shaking his fist at Lord Mansfield—who, to speak tenderly of them, were not quite so forward in the demonstrations of their zeal to the reigning family; there was another Cause, my lords, and a partiality to it, which some persons had not at all times discretion enough to conceal. I know I shall be accused of attempting to revive distinctions. My lords, if it were possible, I would not wish the favours of the Crown to flow invariably in one channel. But there are some distinctions which are inherent in the nature of things. *There is a distinction between right and wrong,—between Whig and Tory.*"

On the 10th of December, just as Camden had been putting his very awkward questions to Mansfield about his charge to the jury in *The King* v. *Woodfall*, the Duke of Manchester began to speak about the defenceless state in which Ministers had left the country (and only two ships at Gibraltar, and one of them leaky); when Lord Gower desired the House might be cleared—such things ought not to be publicly divulged—in so crowded a House, there might be emissaries from Spain—persons were admitted who took notes—a noble lord had said his speech was in print. Richmond protested—people would say the Lords were afraid of their proceedings being known. Then there arose such an uproar that Chatham spoke for some time without being heard. He sent Richmond to Mansfield (still acting as Speaker) to tell him he wanted to speak to a point of order. But it was of no use, and at last he, with eighteen other lords, left the House. It happened that there were some members of the Commons present, come to

deliver a Bill. They were promptly "hooted out of the House." They hastened back to the Commons, and informed the Speaker of the affront put upon them, and through them on that House; and one of them moved that the House be cleared, *Peers and all.* A majority was against this, but under the Rule [1] all were ordered to withdraw — among them Richmond and Rockingham. The Commons were very angry, but their wrath soon cooled, and the chief result of it all was a duel between Lord George Germaine and Governor Johnstone; and this was only important because in a manner it rehabilitated Germaine's personal courage, and so paved the way for his taking office.[2]

[1] A member had only to say, "Mr. Speaker, I espye strangers!" and the House must be cleared. In our time, there must be a vote of the House. Upon some clamour a day or two afterwards, the Speaker said, "Pray, gentlemen, be orderly; you are almost as bad as the other House!"

[2] It was allowed that Germaine showed great coolness at this meeting with the fire-eating ex-Governor; and the belief of his apologists was strengthened, that his conduct at Minden was prompted only by temper and rancour against Prince Ferdinand.

About 1773 or 1774 Burke thought of inviting Lord George Germaine to lead the Opposition in the House of Commons.

CHAPTER XXVI

THOMAS HUTCHINSON

"The town of Boston met, and passed a number of weak but very criminal votes; and as the governor declined calling an assembly, they sent circular letters to all the towns and districts, to send a person each that there might be a consultation at so extraordinary a crisis. They met and spent a week, and made themselves ridiculous, and then dissolved themselves; after a message to the governor, which he refused to receive; a petition to the King, which I daresay *their agent* will never be allowed to present, and a resolution which they have published, ill-natured and impotent. . . ."—*Letter of Lieutenant-Governor Hutchinson*, Oct. 4, 1768.

"America was in such a state, that it seems to have been good policy to abstain wholly from further taxes of any kind."—Hutchinson, *History of Massachusetts.*

"In the first place, gentlemen, you are to consider, that a great empire, like a great cake, is most easily diminished at the edges. Turn your attention, therefore, first to your *remotest* provinces; that, as you get rid of them, the next may follow in order."—Franklin's *Rules for Reducing a Great Empire to a Small One.*

THOMAS HUTCHINSON had been left to face the storm from which Bernard had escaped. He had represented Boston for ten years, and it had once been proposed to make him the Agent for the province to London, but he had declined to leave his place. To say the truth, he had had too many places—no one had ever held so many at one time before.[1] He had been at the same time, Lieutenant-Governor, Chief Justice of the Superior Court, a Judge of Probate in the Suffolk Court, and a Councillor. As long ago as 1762 the Assembly had protested against the Lieutenant-Governor sitting on the Council, or the Chief Justice holding any other judgeship. Both he and his sons were in business as tea-merchants. His attitude at the time of the Stamp Act had caused great indignation, and the destruction of his house, and of many invaluable documents he had spent his life in collecting, had embittered his temper and shaken his nerves. He was no ordinary man, but he probably was less courageous and less firm of will than

[1] It is only just to say that the salary of a Judge was only about £120 a year, with some fees, said not to cover travelling expenses.

he appeared. He had clear vision, strong sense, and strong animosities—he was obstinate rather than firm—he advocated extreme measures, began to carry them out, exasperated his opponents to the highest point—and then quailed before the storm himself had raised. It was natural that he should resent the abominable outrage he had suffered. A wise Home Government would have provided for a capable but unconciliatory official, in some other way than by giving him the government of the colony he had so grievously offended, and which had so grievously offended him. Conway had been deluded into making him Lieutenant-Governor, but by the time Bernard left, the British Cabinet knew it was appointing the most unpopular man in Massachusetts.

Except for the murderous assault on James Otis, things were pretty quiet till the new year. Otis—Hutchinson's old enemy—had already shown signs of the excitement which finally overset his reason. He had been lately in a controversy with the revenue officers, and had attacked them in the *Boston Gazette*. A few days afterwards, as he was sitting in the British Coffee House, he was set upon by Robinson, a Commissioner of Customs, and several army and navy officers. He was savagely beaten, and received a sword-cut on the head, from the effects of which he never really recovered, though he lived many years, and actually took part in the Battle of Bunker's Hill.

Early in October a ship arrived with English goods. She belonged to two of the principal merchants in Boston—Messrs. Greene and Boylstone. They had not signed the Agreement. The Committee was on the watch, and Greene and Boylstone thought it wise to consent to sell nothing till the time had expired. Among the consignments were eighteen chests of tea for Thomas and Elisha Hutchinson, sons of the Lieutenant-Governor. He advised them to sign, but he wrote privately to Grenville, Jenkinson, and Hillsborough, urging that Parliament should immediately change the municipal government of Boston. Meanwhile he gave large orders for more tea for his sons, and sent instructions for its being so sent as to escape the vigilance of the Committee.

And yet it was true that the agitation seemed to be dying down. At the next election, five towns, Springfield, Hatfield, Hardwicke, Norwich, and Sheffield, elected rescinders; and at New York, in the hotly-contested election of 1769,—the last ever held under the Crown,—the Government candidates were returned, instead of John Morin Scott and the Sons of Liberty. The whole de Lancey family was on the Tory side. Sir Henry Moore was dead—one of those "show governors" who, knowing their own total unfitness,

always acted on the advice of old Cadwallader Colden, Lieutenant-Governor and virtual governor of New York for so many years. Lord Dunmore was appointed, but long before he could arrive, the de Lanceys got a vote in the Assembly for two thousand pounds to pay the troops. In a few months Botetourt died, Dunmore was transferred to Virginia, and General Tryon, Governor of North Carolina, came to New York.

The Non-importation Agreement, too, was wearing itself out. Nothing kept it up but the knowledge that the British Government was determined at all costs to maintain the right to tax. People were beginning to hanker after European goods. New Hampshire stood out altogether; but Rhode Island was privately importing, "to their very great gain." Virginia and Maryland had sent two gentlemen to Boston, intimating that the Southern Colonies were not prepared to go as far as Massachusetts. Pennsylvania and New York even disapproved the repeal of *all* the Revenue Acts—they were for retaining some which happened to favour themselves. But the omission of TEA from the duties to be repealed displeased all, and more than counter-balanced any good effect. The retention of the duty on tea showed that Great Britain still insisted on her right to play tricks with American commerce. A Committee was appointed to examine all cargoes, and publish the names of importers, unless they gave up the goods at once to the Committee. This new Merchants' Meeting was still sitting when Bernard sailed.

The Agreement expired at the end of the year, and immediately some merchants began to sell. As they would thus forestall the others, the Committee interposed, insisting that no one should sell until goods ordered from England after January 1, 1770, should arrive. Hesitating patriotism was quickened by the fear of being named in the *Boston Gazette*. Some cargoes were held over, others were reshipped.

Meanwhile the presence of the soldiers was a constant irritation. Frays became frequent in Boston during the winter. The people would hiss at the soldiers, and though the officers tried to keep the peace, there was ill-feeling on both sides. The news from New York did not tend to abate it. There, the military were more insolent than in Boston. On January 21 the soldiers cut down the Liberty Tree once more, after it had stood safely nearly three years. They were thrice repulsed before they succeeded. Next day the people assembled in the fields, and passed resolutions never to employ a soldier, and to treat as enemies to the Constitution any except sentinels found after dark with arms, or after roll-call without arms. The soldiers replied by an insolent placard.

Two days of affrays followed, in which the citizens had the advantage. Boston highly applauded the spirit shown by the "Yorkers."[1]

The ill-feeling increased. A bookseller, also proprietor of a newspaper, not only persisted in selling, but opposed the Non-importation movement in his paper. He even ridiculed the political Evening Club, and gave the members ludicrous nicknames. Worse still, he let out the fact that some of the principal merchants who had promised not to import were departing from their engagement. One day he was coming up King Street with his partner, when he met a person he had thus charged. From words they came to blows. A mob collected. The two obnoxious persons had each a pistol in his pocket, and it was said that the partner's went off as he fell in the scuffle. This enraged the mob. The bookseller fled to the mainguard, the people followed and demanded him. Both regiments were placed under arms. By an unfortunate coincidence the bookseller's mob was joined by another, which had just tarred and feathered an unlucky seaman, under the mistaken belief that he was an informer. For some hours things looked serious. The two mobs coalesced, and paraded the streets till late in the evening—still dragging with them their wretched victim in his tar and feathers, and compelling the inhabitants to put lights in their windows. At last they let the poor seaman go, and dispersed. This was the first riot since the soldiers came. Hutchinson summoned the Council, but it refused to call out the military. The bookseller hid for some days, then gave up his business and left the province.

Hutchinson himself was involved in the next affair. His two elder sons, Thomas and Elisha, had been obliged to sign the agreement, and to allow the Committee to put a padlock on the warehouse where they kept their tea. Now that the term had expired, they demanded the tea, but were refused—they must wait, and start fair. They took off the padlock, removed the tea, and began to sell. Others did the same. At once a Merchants' Meeting was called, the Committee again demanded the tea, and when it was refused the whole body of the meeting went to the house of the Lieutenant-Governor—his sons being of his household—to make the demand in form. Hutchinson harangued them out of a window, and required them to disperse, as if they were rioters. But next morning—as he says, being persuaded by seeming friends, who represented the possibility of personal danger to Thomas and Elisha—he sent for William Phillips, Moderator of the meeting, and

[1] Bancroft.

engaged that his sons should deposit the price of the tea sold, and return the rest. He speaks with bitter regret of this "error in his public trust," and says he felt "more trouble and distress of mind from it, than he had done when his house and great part of his property were destroyed. He was triumphed over, and reproached for the concession by the men who, under colour of friendship, advised him to it. The peace of the town was not restored."

Again he summoned the Council; again they refused to act. He sent for all the Justices within fifteen miles, but after consultation with each other they advised him that there were times when irregularities could not be restrained—the people were agitated from a sense of danger to their just rights and liberties; they declined to take any measures for stopping the merchants' meetings. Several of the Justices even attended those meetings, and voted for the resolutions. Lastly, Hutchinson sent the Sheriff to read a paper to the meeting, desiring it to disperse, as it was illegal. The meeting sent back a written message[1] that they believed their meeting was warranted by law, and that they were determined to keep consciences void of offence towards God and man.

Still some merchants refused to comply, and rabbles took to collecting outside their shops to prevent customers from entering. Posts were set up, with hands pointing in derision. Theophilus Lillie, who had begun to sell, found such a post before his door. A neighbour, one Richardson, a tide-waiter, and informer for the Customs, asked a countryman to drive his cart-wheel against it. It would seem that some boys came by, carrying coarse paper paintings—figures of importers. Whether Richardson attacked them or no was disputed, but a crowd collected, the boys hooted, threw snowballs and stones, and drove Richardson into his house. Some said he fired instantly—others that the mob were forcing their way into his house before he fired. The shot killed a boy of eleven, the son of a poor German. The mob were for hanging Richardson then and there, and had got a halter, but were persuaded to take him to a Justice. A grand funeral was given to the poor boy. Hutchinson, whose mind always ran on the most ill-omened precedents he could find, compares it to that of Sir Edmundbury Godfrey, and of "young Allen, killed in St. George's Fields."

A great deal of pains has been taken to prove and to disprove a very early intention on the part of the Colonies to throw off the yoke of Great Britain. Half as much pains bestowed on examining into what we were making that yoke mean, must convince every

[1] Bancroft says that Hutchinson kept this message, which was in Hancock's handwriting, intending to make use of it if Hancock were brought to trial.

student of human nature that nothing but overwhelming physical force could maintain any government as impossible as the British had become in North America. The only wonder is that they so long endured the restrictions on their trade. But they knew no better—restrictions were the fashion of the time; and as long as the French were in America the British flag was a defence from foreign conquest.

All the evidence shows that if the Home Government had not flaunted its right to make more of these acknowledged "anti-commercial" laws, whenever it might feel disposed; if the soldiers had been removed before blood had been shed; if the whole of the Revenue Act had been repealed—things would have quieted down, and separation might have been deferred for a generation. But it must have come—at the latest when the population of the Colonies overtook that of Great Britain. And long before that it would have become impossible to control a people beyond the sea, so like us in political sentiment and stubborn independence, so unlike in outward conditions. As Paine soon after said, England and America belong to different spheres. Already the provinces counted one-third as many inhabitants as these islands. The only possible end was separation. In the latter part of the eighteenth century, the privilege of a titled Governor, and a few decorations to prominent citizens, would have counted as nothing compared with the priceless right of a nation to work out its destiny on the lines marked by Nature.

The Stamp Act, taken alone, might have been forgotten, as an isolated mistake. But we left nothing undone to show that it was part of a policy. We appeared determined to teach the colonists what government from a distance means, and how intolerably it hampers a country's energies. Not content with this, we carefully impressed on them that our chief object was to get as much money out of them as possible—even though the loss to them might be very great, and the gain to ourselves very small. It was the height of imprudence to retain the tea-tax at the very moment we were filling Boston with soldiers—it seemed as though we wished them to realise that their money was being extorted from them at the point of the bayonet. And to do this about a threepenny duty was the most conspicuous way of showing them that above all things else we desired to keep them in subjection.

CHAPTER XXVII

THE 5TH OF MARCH, 1770

"A military force should be employed in the last extremity, not in the first instance."—GEORGE GRENVILLE.

"Something may and must be done to humble the leaders of the people of this town, and so keep the inhabitants in order. I have tried the Council, and represented to the Judges the illegality of the town-acts. They say there is no possibility of helping it—the body of the people are all of a mind, there is no stemming the torrent. . . . —— tells me, he is fully convinced that nothing but sharp external force will bring Boston into a state of subordination."—*Hutchinson's Letter, marked "Secret and Confidential,"* March 25, 1770.

As each succeeding mail from England made it more certain that the tea-duty would be continued, the movement for non-consumption revived. The women were joining. "One week 300 wives of Boston, the next 110 more, with 126 of the young and unmarried,"[1] renounced tea till the Act should be repealed. The Superior Court of Suffolk County found bills of indictment against Sir Francis Bernard, Thomas Gage, Esq., Commander-in-Chief of his Majesty's forces on the Continent, the Five Commissioners of Customs, and the Collector and Comptroller for the Port of Boston, "for slandering the Province to the King's Ministers." And though, of course, nothing came of this, the boldness of the Judges was startling. It was even said that Samuel Adams had ended a speech, "Independent we are, and independent we will be."

As the winter wore on, the insolence of the soldiers, and the friction between them and the townspeople, increased. It would perhaps be unjust to say that Hutchinson wished for a collision as an excuse for more extreme measures; but he wished for the more extreme measures; and at a most critical moment, when fully warned that the soldiers were in a dangerous temper, he took no precautions—he did not even tell the colonels they must confine their men to barracks. The blood shed on the 5th of March, 1770, must therefore for ever be on his head.

[1] Bancroft.

Hutchinson's own account, as he gives it in his *History*, must be taken as the best case he could make out for himself. He admits that "the two regiments were a continual eyesore" to the inhabitants of Boston, and that "there appeared a rooted enmity on both sides." He says that the officers took pains to keep the men from showing their resentment, but admits they found this impossible; and he intimates that the disturbances at New York, about the cutting down of the Liberty Tree there, "tended to encourage the people in Boston." Discontent, he says, was evidently increasing all the month of February. On Saturday, March 3, Lieutenant-Colonel Carr, who commanded the 29th, made complaint to Hutchinson of the frequent abuse offered to his men, and particularly of a fray the morning before, at Gray's Ropewalk,[1] in which a soldier was very dangerously wounded. On Monday Hutchinson showed this letter to the Council, and several members advised him to remove the troops. It was even said that these small frays would be followed by one more general. When, after this warning, Hutchinson tells us that in the evening parties of soldiers were driving about the streets, and that both they and the "clusters of inhabitants" in different parts of the town, seemed to have "something more than ordinary upon their minds," it is impossible to acquit him of criminal neglect of duty, if he really wished to avoid a riot, and of something much worse if he intentionally abstained from action.

There was great apprehension in the town. Gray had gone to Dalrymple. A corporal of the 29th had warned Matthew Adams to stop indoors on Monday evening, "for mischief would be done—the soldiers were determined to be revenged on the ropewalk people." Early in the evening there were but few people in the streets. Witnesses at the trial swore that the parties of soldiers driving about, challenged the townspeople, and struck at them with sticks and sheathed cutlasses. People in different parts of the town were insulted. Some time between eight and nine, a party poured out from the barracks of the 14th in Brattle Street, armed with clubs, cutlasses, and bayonets, Ensign Mall, at the gate of the yard, crying, "Turn out, and I will stand by you! kill them! stick them! knock them down! run your bayonets through them!" Headed by this boy, they ran through the archway of Higglestone's Alley, but Lieutenants Minchin and Dickson—to their credit be it recorded—with great difficulty

[1] "Gray's Ropewalk, near Green's Barracks in Atkinson Street," afterwards Pearl Street. The barracks of the 29th were here.

drove them back to barracks. They seem, however, to have got out again later.

Soldiers were gathering in King Street, where a dozen gentlemen stood together a little below the Town House, and a few people in front of the Custom House, "where the King's money is lodged." There was a young moon, with a cloudless sky above the new-fallen snow. A crowd of boys were pelting the sentry at the Custom House with snowballs and bits of ice. The sentry abused them, and they returned the abuse. Probably it was at this moment that a captain of the 14th passed, and a barber's boy called after him, "There goes a mean fellow, that hath not paid my master for dressing his hair!" The sentry left his post, and followed the boy into the middle of the street, bidding him show his face. "I am not ashamed to show my face to any man," said the boy pertly. The sentry, with his musket, "gave a sweeping stroke on his head, and made him reel and stagger, and cry very much." A fellow-apprentice asked the sentry what he meant. The sentry swore at him, and threatened to "give him something," if he did not get out of the way; and fixing his bayonet, he ran at him, pursuing as the boy ran away. This collected a few more persons near the Custom House, and by alarming the sentry, was the immediate cause of the catastrophe—he knocked on the Custom House door, and two persons came out, and ran to the mainguard, where they spread a report that the people were murdering the sentry. It seems to have been at this moment—9 o'clock—that the bell of the Meeting House at the head of King Street rang out as if for fire, and brought many people running thither, supposing there was a fire. Captain Preston declared he was told the bell was a signal to call in the country-people. At the same time, a party of soldiers ("about ten grenadiers"), armed with clubs, cutlasses and bayonets, rushed up from Cornhill, where they had assailed and wounded several, even slashing at persons standing at their doors. They entered King Street from Exchange Lane, brandishing their arms, and crying, "Where are the cowards?"

Most of the people had gone off when the soldiers burst into King Street. Suddenly seven or eight soldiers rushed out from the mainguard, their arms glittering in the moonlight, shouting, "Where are they? Let them come!" Preston himself says that they "rushed through the people, and by charging their bayonets in half circle, kept them at a distance." He also says that "some well-behaved persons" asked him if the guns were charged. "I replied, yes. If I intended to order the men to fire? I answered

no." Knox, "the bookseller,"—hereafter to be General Knox, Secretary of War for the United States,—deposed that he was remonstrating with Preston—whose men had attacked several persons with bayonets on no provocation—some even who had their backs towards them. Preston seemed in great haste and very agitated. Knox took him by the coat, and told him for God's sake to take his men back again—"For if they fire, your life must answer for the consequences." "I know what I am about," said Preston. Just then a soldier was struck by a stick —some said by a piece of ice; he raised his gun and fired. Preston says he reprimanded him, that a general attack was then made by the crowd, and that some persons from behind called out, "Damn your bloods, why don't you fire?" Instantly three or four of the soldiers fired, one after another, and directly after, three more, in the same confusion and hurry. "The mob then ran away, except three unhappy men, who instantly expired."

The three persons killed outright were Crispus Attucks, a mulatto, Samuel Gray, a young man from the Ropewalk—shot from behind as he bent over Attucks—and James Caldwell, also shot from behind. Samuel Maverick, a lad of seventeen, died next morning, and Patrick Carr on the 14th. Six others were badly wounded. The town declared, and the weight of evidence shows, that the mob was mostly composed of boys and lads. Of the slain, Attucks was the only one who had taken any active part.

As soon as the slaughter was known, all the bells of the town were rung, and a large body of townsmen assembled in King Street, and remained there until the soldiers had returned to barracks. Immediately after the catastrophe, two or three ran to the Lieutenant-Governor's house (about half a mile off), and implored him for God's sake to go to King Street, or there would be a general action between soldiers and people. Hutchinson went instantly, called for Preston, and asked him why he had fired without orders from the Civil Magistrate. He says the noise was so great that he could not hear Preston's answer. Then some who feared for Hutchinson's personal safety cried, "The Town House, the Town House!" and with irresistible violence he was forced up by the crowd into the Council Chamber. There a demand was immediately made that he should order the troops back to barracks. He refused—would act in the morning—the law should take its course—he would live and die by the law. "Order the soldiers to barracks," said a gentleman. "I have no power," said Hutchinson. With great difficulty he was persuaded to look from the window opposite the mainguard, and see that the soldiers were still drawn up in position

ready to fire. A party had in fact tried to march with beat of drum to Murray's Barracks, and the main body of the 29th was now drawn up in King Street under arms, their lines extending across the street, facing the crowd. At one moment the first rank knelt, and the whole platoon presented their guns. Witnesses swore they were heard to say, "This is our chance!" At length Hutchinson did look, and after a time he sent for Colonel Carr, and told him to take the men back to barracks. Then he went out on the balcony, and called to the great body of the people, expressing his great concern at the unhappy event, and his intention to order a full enquiry. He urged them to go home peaceably. On this there was a cry, "Home!—home!" and great part went home. Hutchinson remained in the Council Chamber till three in the morning, conducting a preliminary examination. A hundred of the townspeople remained with him, to watch the examinations. Dalrymple was summoned. At first Preston could not be found, but at length he surrendered, and he and the whole corporal's guard which had fired were placed under arrest. All night the drums were rolling, and there were cries of, "Town-born, turn out!"

The Council met early next morning. The Selectmen were already waiting to tell the Lieutenant-Governor that minds were exceedingly disturbed, and that unless the troops were removed the most terrible consequences were to be expected. A town-meeting had been called for eleven o'clock. The Justices of Boston and the neighbour-towns were there, to give their opinion that if the troops remained in the town it would not be possible to restrain the people. Hutchinson said he had no authority to move them—"The King put them there." But he had sent for the colonels and would tell them of the application. The Selectmen went away to Faneuil Hall, the colonels arrived at the Town House, and very soon Samuel Adams, Hancock, and thirteen more came as a Committee from the town-meeting, to say that soldiers and people can no longer live together safely—nothing but the prompt removal of the troops can prevent further carnage. Not only this town, but all the neighbouring towns, are resolved they shall go. "An attack on the King's troops will be high treason," said Hutchinson, "and every man would forfeit his life and estate." While the Committee waited in another room, Dalrymple proposed to move the 29th—the most obnoxious regiment—till Gage's pleasure could be known. Hutchinson informed the Committee of this offer, and rose from Council, intending, as he says, to receive no more application on the subject; but the Council and Dalrymple prayed he would meet them again after noon. Dalrymple was strong for moving the 29th—it had always been intended to quarter

it in the Castle. As is often the case, it was the soldier who was willing to make a concession, and the civilian who was for driving the matter to extremity. Dalrymple even said that if the Council would unanimously advise the Governor to desire him to move the troops, he would do it, even without a positive order. So when Hutchinson met his Council after dinner, he found it unanimous—it had been divided in the forenoon. Even the Secretary of the Province had gone over, while the colonels had been reinforced by the commander of one of the men-of-war.

As soon as they were met, another Committee came from the town-meeting. Samuel Adams led them again, and as they faced each other, Hutchinson must have remembered the affidavits he had got up, with the aid of Bernard and Oliver, and had sent to England, to form the basis of a charge of treason, under the statute of Henry VIII. The Committee came to say that the reply of the morning was unsatisfactory—*all* the troops must be removed. There are near three thousand people assembled, and nothing less than total and immediate removal will satisfy them. Hutchinson repeated that the troops were not under his authority. Dalrymple spoke again of moving the 29th. "If you can move one, you can move both," said Adams. "It is at your peril if you refuse." To Hutchinson he said, "The meeting is become very impatient. A thousand men are already arrived from the neighbourhood—the whole country is in motion. Night is approaching—they wait for your answer." He saw Hutchinson's knees tremble, and his face grow pale. As usual, Hutchinson was thinking of ill-omened precedents—this time it was Governor Andros and the Revolution of 1688. When the Committee had retired, the members of Council gave their opinions separately, with their reasons. Tyler said, "These are not the people who pulled your house down—they are people of the best character among us, men of estates, and men of religion. You cannot prevent the people taking up arms—there are 10,000 of them ready, in Boston, Charlestown, Roxbury, and the other near towns, determined the troops shall go." Others said that men would come from Worcester County and the Vale of the Connecticut. The whole Council was strongly for sending all the troops to the Castle at once. But Hutchinson still held out; and Dalrymple, on hearing about the 10,000 men, began to draw back a little from the responsibility of removal. It was late. The people were still in the streets. Hutchinson repeated that he had no power to order the troops to be removed, though he desired it.

By this time Dalrymple dared not act upon this. It was a dead-lock. The officers were growing restive at their humiliation.

Expresses were posting to Gage for orders. As soon as this was known, the fear that Gage would order the troops to remain in town redoubled resistance—another town-meeting was called, this time in the Old South. Hutchinson received another visit from Samuel Adams and his friends. There was an angry scene. Adams warned the Governor of the resentment of the whole people. Hutchinson gave a peremptory refusal. Then Adams appealed once more to Dalrymple, and that same evening the 29th, and next day the 14th regiments were removed to the Castle. In a private note, Hutchinson says Dalrymple was much distressed, but "brought it on himself" by offering to move the 29th. It was an ungrateful remark—by moving the regiments, Dalrymple saved Hutchinson from the frightful danger of a second collision. The sequel proved that the people were not to be intimidated. If there had been another affray, the townsmen would not again have been shot down without defending themselves. Those who best knew their temper, knew that before Gage could send reinforcements there might not have been a British soldier left alive in Boston.

The funerals of Gray, Caldwell, Maverick, and Attucks took place on the 8th. The shops were closed; the bells of Boston, Charlestown, Roxbury, and Cambridge were tolled. The procession began to move between 4 and 5 in the afternoon. The hearses met in King Street, very near the fatal spot. Those who followed walked six deep; never was seen so great an assemblage in the streets of Boston.

Even now Hutchinson continued to irritate the people. The Assembly met for a short session. It had expected to be allowed to return to Boston, but Hutchinson said it was the King's pleasure it should continue to sit at Cambridge. But the words of Hillsborough's letter ran, "unless the lieutenant-governor has more weighty reasons for holding it at Boston, than those which were mentioned by the secretary of state against it." Hutchinson says that he saw no reason sufficient "to justify him in the eyes of the King." As usual, he tried to throw the responsibility on someone else—he made the Representatives suppose he had a "peremptory order"; but when they asked to see it, he flatly refused to show it. There was great indignation, but, by the Charter, a new Assembly must be elected in May, and Hutchinson hoped it would be more tractable. He had been offered Bernard's succession, but his health was beginning to suffer from "the vexations of a short administration of 6 or 8 months," and he quailed at the prospect of the Governorship. He desired to be excused from the honour intended him, and he even asked to resign the Lieutenant-Governorship, and to

be allowed to end his days as Chief Justice, a post he had already held for ten years, with "more satisfaction than he had ever received in any of the three branches of the legislature."

On March 12 the Committee drew up a Report[1] of these occurrences. It was submitted to a town-meeting on the 19th, and ordered to be printed, and a vessel was chartered to take out copies to London—they were transmitted to Governor Pownall. With them went a circular letter to the Duke of Richmond and others. This account says that the soldiers had been insolent from their first coming. They landed "with all the appearance of hostility, marching with ensigns of triumph! Since then they have been abusing the people, rescuing prisoners, and even firing on the inhabitants in the street, when in the peace of God and the King; and when we have applied for redress in the course of the law of the land, our magistrates and Courts of Justice have appeared to be overawed by them." It also asserts that when the soldiers fired on the 5th of March, several muskets were discharged out of a window of the Custom House. The account was prepared by Bowdoin (Commissioner Temple's father-in-law), Pemberton, and Dr. Joseph Warren. It refers to the affair of Captain Wilson, of the 59th, proved guilty, "not long after the soldiers arrived, of enticing negroes to rob and murder their masters, and repair to the army for protection."

With another of his unfortunate comparisons, Hutchinson says that poor Patrick Carr, who was mortally wounded, but lingered many days, said before he died that he had never seen soldiers bear so much from mobs in Ireland, as Preston's guard did from the people on this occasion—a fact which ought to be recorded in justice to Irish mobs.

Richardson's trial came on for the shooting of the German boy in February. In spite of the Court ruling that it was at most only manslaughter, the jury brought it in murder. On a technical pretext sentence was deferred till next term, and when that time came, Richardson, brought into Court early in the morning, pleaded the King's pardon, and absconded (the word is Hutchinson's) before anyone knew anything of the matter. The trial of Preston was delayed, to give time for minds to cool. Meanwhile, the election took place, and again the Assembly was ordered to meet at Cambridge.

The Instructions given by the town of Boston to their new representatives were written by Josiah Quincy, a young lawyer of twenty-six. In language strangely solemn—the shadows of an early

[1] "A Short Narrative," etc.

death were already gathering round him—he spoke of the perilous times, the alarming prospect; unwarrantable and arbitrary exactions, grievances, discontents, convulsing every part of the British Empire—"under GOD, only stern and inflexible fortitude can save us from destruction." A series of occurrences, and especially the late journals of the House of Lords, afford reason to believe there is a deep-laid plan of imperial despotism, partly executed, for the extinction of all civil liberty. That admirable work of ages, the British Constitution, seems just tottering to ruin. You must summon up the whole united faculties of mind and body, if we are not to be overwhelmed beneath the ruins of our rights. Then much on the grievance of sitting at Harvard, on the "mystical jargon" of the high-prerogative crown-lawyers, with exceedingly disrespectful remarks on King James, First of England, who once "dared" to tell a Parliament to abstain from discussing affairs of State; and very earnest exhortations to a union of the Colonies. It is now no time to halt between two opinions—if we recede, the dogs of war will be let loose upon us; the demands of fraud, violence, and usurpation are insatiable: it is no time to listen to either cajolings or threatenings. Bear yourselves then like the faithful representatives of a freeborn, awakened, and determined people, who, conceived in liberty, will never give it up till they yield their souls to God who gave them.

Hutchinson — who sent this document home—says that it appeared to indicate the design of a general revolt, and, along with the message at the close of last session, caused the first measures taken to guard against rebellion—the troops sent till now having been merely intended to suppress mobs and tumultuous assemblages.

The Assembly began at once to protest against its banishment. The Representatives demanded to know the reason for it, and Hutchinson dared not tell them that his own letters were the reason. They complained of the inconvenience of sitting in one town, when all the public documents and offices were in another—to say nothing of the disturbance to the studies of Harvard. Hutchinson replied that they could easily send for the few papers they really needed; and as for the studies of Harvard, the vacation was just going to begin—and, anyway, the hearing the debates would be an education for the students. So flippantly did an old Harvard man talk of his College. The Assembly retorted that, if they moved the records, and built themselves a suitable house, they "have no assurance that the next freak of a capricious minister will not remove the court to another place." Out of a House of

102, 96 voted that it was not expedient to proceed to business while they were constrained to hold their session out of Boston. Hutchinson replied that he was afraid of offending the King; and asked if they thought it safe to leave Castle William and Fort Pownall unprovided for? And that Act of the province for raising a tax of £80,000? And the Act for limiting suits at law; and many others? You can pass these as well at Cambridge as at Boston.

The Council and the House were resolute. The House sent long messages, quoting precedents,[1] answering the Governor's plea of prerogative, by asserting that prerogative has no just foundation but the good of the community. As it was very much to the hurt of the community that the House did not sit at Boston, they were certain his powers must be sufficient to allow their return—finally, that they refused to proceed to business until he did. Hutchinson replied that his Majesty thought it for the good of the community to have them sit at Cambridge—he could not move them without further instructions. He had "thought fit" that the general court should convene at Cambridge. He must be the final judge of fitness and expediency, by virtue of his commission.

By 96 to 6, the House resolved to do no business until removed; and Hutchinson prorogued them on June 25, when they had sat near a month.

They met again on July 25, and Hutchinson, after a long speech, to prove that it was just as legal to convene them at Cambridge as at Boston, told them if they persisted in their refusal he must prorogue them again. They sent up a worse message than the former ones—this time they quoted "the great Mr. Locke," whose opinions on government appear in most of the speeches of the friends of America at Westminster. The great Mr. Locke had asked, in this matter of prerogative, who was to be the judge whether the power was made a right use of? and had answered his own question by saying that there can be no judge on earth—the people have no remedy but an appeal to heaven. "We would, however, by no means be understood to suggest, that this people have occasion at present to proceed to such extremity."

[1] The House had sat in Boston every year from 1692 to 1721, in which year, the small-pox being in Boston, and the members afraid to sit there, Governor Shute moved it to Cambridge—but it was expressly promised that this should not form a precedent. A few years later, the unlucky Governor Burnet, in one of his many disputes with his legislature, removed it to Salem. It had very occasionally been moved afterwards—usually when the small-pox was in Boston. The House had always shown great jealousy of these removals being construed into precedent.

For, when a people talk about appealing to heaven, they mean that they are prepared to appeal to arms.

Hutchinson says, he hoped, as they did business with so little difficulty in the spring, that this time too they would have yielded. Then he would soon have let them return. But he saw that they were retaliating for his claim to decide where they should sit, by exerting the power given them by the Constitution of determining when they should do their business. "This was bidding defiance."

He answered them on the 3rd of August, in a long, rambling, quibbling speech—a weak bandying of words. They doubt whether the King really wishes the Court held at Cambridge—"I have no doubt of it." He does not show his Majesty's orders, because he knows his Majesty desires him not to do so. They have called the instruction of June, 1768, "an impudent mandate." He presumes they do not know it was an order from his Majesty. They have no right to suppose these orders are the acts of the Minister, and not of the King. The affairs of America are grown so serious, that his Majesty is giving them his immediate attention—every order therefore from the Secretary of State must be supposed to come immediately from the Crown, and ought not to be treated with contempt. Then the freedom with which they have spoken of the attorneys and solicitors-general, will, he fears, bring dishonour on themselves —these offices have for fifty years past been filled by persons of the highest reputation. As for the quotation from Mr. Locke, it does not apply to their case—nobody is trying to enslave or destroy them, and as they very prudently do not wish to be understood to mean they have occasion to appeal to heaven, he is at a loss to conceive why they quoted Mr. Locke at all. They talk of the Charter as a compact—when they refuse to do business, are they not failing in performing their part of the compact? They have said that this is to reassert the doctrine of Chief Justice Tresilian, in the time of Richard II; but what Tresilian said was, that the King had the government of Parliament, and might appoint what shall be first handled, what next, and so on, and punish as traitors any that acted contrary to his pleasure. He shall now prorogue them again, and hopes when next they meet they will join with him in what is necessary for the real interest of the province. Then he prorogued them, and soon something happened which drove these technical quibbles out of their heads.

There was a small provincial garrison in Castle William,—a fort on an island two and a half miles below the town, so situated with regard to the channel for ships, that no ship could pass in without being commanded by the Castle guns. The garrison was composed

of young men of the province, and was under the command of the Governor. The Castle had been repaired at the expense of the province, and contained stores belonging to it. Phillipps, one of the Committee at the time the troops were removed, was the colonel. One evening, early in September, 1770, the news spread through the town that the provincial garrison had been turned out, and that Dalrymple was in command at the Castle.

A fortnight before Gage had written from New York, proposing this, and asking how best it could be done; and Hutchinson, supposing it the General's own idea, had replied that it was inexpedient, and Gage had agreed. But now he had sent a copy of an order from the King in Council, and a letter from Hillsborough, ordering him to seize the Castle, as soon as Gage should appoint the officer to command it. Hutchinson received this order at Milton, six miles from Boston, where he had a country-house. He fully realised the gravity of the step, and the indignation it would arouse. Everything in the Castle was the property of the town, and to hand it over to the King's troops "would set the people in a flame." At first he thought of writing again to Gage, advising delay, but, "before the express was ready, he altered his mind." He reflected that if the intention got wind, execution would be more difficult, and then all the consequences of the delay would be charged on him. He summoned the Council, and sent an order in writing to Dalrymple to replace the provincial sentinels by King's troops on the island. When the Council met, having first exacted secrecy upon their oaths as councillors, he informed them of the order—not for advice, but to let them know he meant to retain the ammunition and stores. The Council tried to vote that the stores should be removed by the town, but the vote was lost. Then Hutchinson went to Dorchester Neck, and crossed to the island in a barge. He entered the state-room of the Castle, and called for the keys. There was an angry scene with Phillipps, but he was finally compelled to give up the keys, and Hutchinson handed them over to Dalrymple. He so much feared public wrath, that next day he took refuge in the Castle, and stayed there a week.

The House reassembled on October 2, and Hutchinson formally acquainted them with what had been done. It was a clear violation of the Charter, and the House sent "a very angry message," that very false representations must have been made to their Sovereign, and if he was privy to them, the Lieutenant-Governor ought to communicate them. Another long duel of words followed —the House announced its intention of examining the parties present at the transfer—the Lieutenant-Governor might be present

if he chose. He did not choose. The Houses kept a day of prayer, and requested Hutchinson to appoint a day of solemn humiliation for the whole province, but as it happened to be close on "Thanksgiving," he recommended them to add their prayers to their thanksgivings. And he thought he had triumphed, because the Assembly, in view of "new and insupportable grievances," resolved to go to business after all.

At last, on October 24, Captain Preston was tried for "the murder committed in King Street on the 5th of March." Josiah Quincy and John Adams (hereafter to be the first American Envoy to the Court of St. James') defended the prisoner. The main question was, did Preston give the order to fire? But all the four Judges—Trowbridge, Oliver, Cushing, and Lynes, charged that even if he did, it was not murder, since there was a riot. The jury acquitted him, because it was not proved that he gave the order to fire. Two of the soldiers were found guilty of manslaughter; the rest were acquitted, because one man of them had not discharged his musket, and the jury were afraid of condemning an innocent person. In a singularly ungenerous account of these trials Hutchinson calls this a result "much to the dishonour of the inhabitants of Boston." It was really greatly to their credit that resentment was allowed to have so little influence.

CHAPTER XXVIII

THE PUBLICITY OF DEBATE

"Sir, whether the proclamation be legal or not, I shall not now say. . . . As to Mr. Twine Carpenter, I shall certainly oppose the giving him any support; he is neither more nor less than a familiar of Mr. Wheble, called his devil; by a compact between this devil and Wheble, the devil arrests him. This arrest, the city magistrates determined to be illegal, and therefore they bound the devil over to answer for what he had done. Now, as it manifestly appears, that the devil and the printer are in compact, I think the wisest thing we can do, is to leave the devil to the printer, and the printer to his devil. Whether printer beats devil, or devil beats printer, is of no consequence. There may possibly be the devil to do, and certainly there will be the devil to pay; but that is nothing to us. . . ."—*Mr. Solicitor-General Wedderburn on the Proceedings against the Printers*, March 20, 1771.

"The Report being read [of the Committee relative to the late Obstructions of the Execution of the Orders of this House], the House burst out into a roar of laughter at the impotency of the conclusion."—*Parliamentary Debates*, April 30, 1771.

It will have been seen that the whole aim of George III's policy was to destroy the spirit of the Constitution, while preserving the letter. The parties described by Almon were the avowed ministerialists, who voted with Ministers; and the "King's Friends," who voted as the inner Cabinet (who alone were in the secrets of government) might direct, and who were sometimes ordered to vote with Opposition, when the visible Cabinet was to be thwarted in the interests of the invisible; or when one wing of Opposition was to be strengthened to weaken the other. By means of his "Friends"—some of whom were members of Opposition itself, bought over for a price, or a place—the King could pull every string on which he would have Parliament dance. Every conclusion was foregone; only on some very rare occasion, when a more acute crisis than usual frightened these unprincipled hirelings into throwing over party for a moment, was any division in the House of Commons an expression of that House's convictions. To secure the unquestioning obedience of the King's Friends, and ensure that they should be Jacks-of-both-sides at need, the money of the Civil List was poured out like water, while the King's grocer and tallow-chandler went unpaid. Each

year brought the same appeal to the dutifulness of the House, to raise the amount by which his Majesty was in arrears; each year, Opposition asked how it was that a sovereign with no private vices —who had no mistresses, and did not lose at cards, and whose Court might almost be called parsimonious as to outward show—was always getting deeper and deeper in debt? Each year they said openly that the reason was that the King was always providing himself with more and more "Friends."

The extreme interest of this period lies in the fact that, when bribery, corruption, and "influence" had rendered Parliaments the pliant tools of a King inflated by ideas only fit for an absolute monarchy, the people themselves stepped into the breach. Noble as was the stand made by the Opposition of those times, it could have done nothing but for the support it received from without. Within the walls of Parliament, it hardly secured a single division; but it breathed a soul into the whole people. It is deeply interesting to watch this stirring of the waters—the first beginnings of that current of public opinion which sixty years later swept away the whole system of rotten and pocket boroughs, and struck the most effectual blow at corruption, by making constituencies too large to be bought and sold. That Parliaments are fallible, that their decisions may be illegal, and that the people may call them to account by demanding a General Election—these articles of faith are professed in all the speeches of Opposition upon the Middlesex Election, and they were endorsed by enthusiastic meetings all over the country. The active participation by the people in their own government was no longer to be confined to the moment of an election, after which it was a kind of treason to arraign their representatives—it was to be continuous; and, as was inevitable, this view quickly embodied itself in a demand for the full and immediate publication of the debates. The year 1771 marks the beginning of regular and avowed reports of the debates in Parliament. Wilkes was at the bottom of the movement. Public interest in the debates was never more intense than in the days when "influence," and the "double cabinet," had reduced Parliamentary government to an elaborate farce. So keen was the interest, that for the last year several of the great magazines had published the debates under the merest pretence of a veil — the title of *Debates in a Newly-established Society*, and more or less transparent travesties of the speakers' names—even this concealment to be more often than not thrown off in the Index to the completed volume. Only one important restriction was observed—these debates must not be published in the session in which they took place. Thus the public were

always many months behind in their knowledge of how their representatives had acquitted themselves in fight.

The printers of newspapers—we now call them "editors"—had long chafed under this restriction. Wilkes now urged them to risk all, and "try the question." Accordingly, on the 8th of February, 1771, R. Thompson, of the *Gazetteer and New Daily Advertiser*, and John Wheble, of the *Middlesex Journal*, printed the debates.

The House lost no time. That same day Colonel Onslow made a complaint, and moved that the printers be brought to justice for infringing a standing order of the House, against printing in newspapers the transactions of the House of Commons. He had been represented in these newspapers as having made a motion to stop the liberty of the Press, by preventing the speeches of members being printed during the session. Other members said that this practice had got to an "infamous height"—members are represented as saying what they did not say, and their interests with their boroughs are hurt by it. It was never done—even in the most violent opposition to Sir Robert Walpole, no speeches were published, except during the intervals of Parliament, "and then only in a decent manner." Opposition acknowledged the abuse, but said that Cinna,[1] and other ministerial writers, also personally abused the most respectable gentlemen who differed from them. If the speeches were never made, they were no speeches, therefore could not be punished—not that this practice was a new one, for Charles the First had authorised his "minister, Lord Clarendon," to publish speeches merely to misrepresent members. Opposition said that this prohibition was a usurpation—the House assumed it in the bad times of 1641, when its privileges were used in defence of the people, and were acquiesced in for that reason—their usurpations being considered securities for their independence; but now these weapons were being converted into instruments of tyranny. The constituents ought to know what their representatives did, that they might know whether to re-elect them. Onslow's motion was carried, and the printers were ordered to attend next Monday.

They did not come. On the 19th they were again ordered to attend—an attempt to add "for contempt of this House" was hastily dropped. After this, messengers were sent to the printers' houses, who always reported that they found them not at home. So when on March 4 the Deputy Sergeant-at-Arms told the House he had made diligent search, but had not been able to meet with the printers, the House resolved on "an humble Address to his Majesty," for a royal proclamation to apprehend John Wheble and

[1] A writer in the papers, known to be under the patronage of Lord Sandwich.

R. Thompson. On the 12th Colonel Onslow told the House he had got "three brace of printers more." He then complained of the *Morning Chronicle* and *London Advertiser*, printed for William Woodfall; the *St. James' Chronicle*, printed by Henry Baldwin; *The London Packet*, for T. Evans; *The Whitehall Evening Post*, printed by T. Wright; the *General Evening Post*, sold by S. Bladon; and the *London Evening Post*, printed for J. Miller; as containing the debates and misrepresenting the speeches of several of the members of this House, in contempt of the orders, and in breach of the privilege of the said House. And he moved that the *London Chronicle* be delivered in at the table and read.

Opposition very earnestly opposed this—they warned the House that they had already tried to punish two printers, who would probably get the better of them in the end; that they had better consider well; the speeches were no disgrace to the members who made them—if they did not complain, the House need not do so. Then many of the papers were disguised with blanks, disguised names, etc., and it might be difficult to fill these up. And every newspaper in England—near 200—had done the same. If the House prosecuted them all, it would have no time for any other business—it is attacking "a hive of bees or an hydra, who would sprout 100 heads for one cut off." But, by 140 to 48, the House agreed to Onslow's motion, and ordered William Woodfall to come before it on Thursday next. Then paragraphs from the *St. James' Chronicle* were read—among others, "Jeremiah Weymouth, the d——n of the kingdom, spoke as follows." Whereon Colonel Barré moved, that "Jeremiah Weymouth, the d——n of this kingdom, is not a member of this House." The Minister could not well say he was; and nobody chose to say that Jerry Dyson was, so the previous question was moved, but lost. Then, Colonels Barré and Onslow rising to speak, the Speaker called on Onslow, though Barré rose first, whereupon the ministerialists made an attempt to get a ruling which would have given the Speaker uncontrolled power to select the member he chose, though not "first up"—Dyson himself proposing this amendment. To prevent this, the minority again moved for adjournment. No fewer than 34 divisions were taken this night, mostly for adjournment, the others on all and every point which Opposition could seize upon, such as: That *The London Packet* be read; That Thomas Evans be ordered to attend, together with all his compositors, pressmen, correctors, blackers, and devils; then, That the *Whitehall Post* be read; and so on, till finally, at four in the morning, it was carried, That the Printers shall attend the House.

On the 9th, the Royal Proclamation was published in the *Gazette*, with a reward of £50 for apprehending the two printers, and on the 15th Wheble was apprehended by one Carpenter, variously described as a brother printer who had a grudge against him, and as Wheble's "devil" acting in concert with his master. Wheble was carried before Alderman Wilkes, then sitting at the Guildhall. As the proclamation was the sole ground of the arrest, Wilkes discharged the prisoner, who then charged Carpenter with assault and unlawful imprisonment. Wilkes immediately wrote to Lord Halifax—lately become Southern Secretary—to inform him of what had occurred, and express his opinion that Wheble had been arrested "in direct violation of the rights of an Englishman, and the chartered privileges of a citizen of this metropolis." He had therefore bound him over to prosecute Carpenter.

The same day John Miller of the *London Evening Post* was arrested by a Messenger of the House, and taken before Lord Mayor Brass Crosby, Beckford's successor, and Aldermen Wilkes and Oliver. The Deputy Sergeant-at-Arms showed a warrant from the House of Commons, but the Lord Mayor discharged the prisoner, who thereupon gave the Messenger in charge, and was bound over to prosecute. When the House heard this, it ordered John Wilkes to attend this House to-morrow morning.

Wilkes replied that he noticed this order did not require him to attend *in his place*. In the name of the freeholders of Middlesex, he again demanded his seat. "When I have been admitted to my seat, I will immediately give the House the most exact detail of my conduct relative to the late *illegal* proclamation." Thus the House found itself once more defied by its old enemy. In its wrath it made another mistake, and found itself defied by a new one.

North did not want to engage in this new quarrel—he had had enough of Wilkes. It was the King who was resolved to send Crosby and Oliver to the Tower. Sir Gilbert Elliott, a King's Friend, made an inflammatory speech, asking the House if it was afraid of a Mayor and two Aldermen? The Court majority was made up of pensioners, lawyers (who had just seen one man made Attorney-General for attacking the principles of liberty, and another man made Solicitor-General for ceasing to defend them); West Indians, "with more slaves than constituents," and East Indians, with the spoils of Bengal up their sleeves. Crosby and Oliver were ordered to attend in their places.

Brass Crosby had begun life as an attorney. He had married

two rich widows, and (his enemies said) had employed their fortunes in dealing in seamen's tickets. His manners were rude, and his appearance was coarse, but he was able and courageous. He had lately defended the City's rights in another matter—when the Admiralty's press-gang came within the bounds, and seized three men, Crosby had released the prisoners, and committed the lieutenant who took them. Oliver was a West India merchant, and is described as "a perfect gentleman."

On the morning of March 19, handbills were dispersed about the City, to make known that the Lord Mayor—although he had been confined to his room for sixteen days with a severe fit of gout—was going to the House "to support your rights and privileges." An hour or two later another handbill invited citizens to bring the Lord Mayor back "in triumph from the House of Commons." They did so. Crosby set out at two in the afternoon, "very feeble and infirm, but in good spirits." A prodigious crowd "of the better sort" were at the Mansion House, and cheered him all the way to Westminster. "On his arrival there, one universal shout was heard for near three minutes," the people calling to him as "the people's friend, the guardian of the city's rights and the nation's liberties." Arrived, he showed an undaunted spirit—calling for the City Charter, and justifying his action as legal; and though probably he was technically in the wrong in disregarding the Warrant of the House, the House soon put itself so hopelessly in the wrong that this point mattered little. At five he asked permission to retire. The populace had waited for him, and drew his coach back from St. Paul's to the Mansion House. A noisy and disorderly debate followed. North moved, and Wedderburn and Fox seconded, that Mr. Morgan, clerk to the Lord Mayor, do attend this House to-morrow morning, with the minutes taken before the Lord Mayor relative to the Messenger of this House, giving security for his appearance.[1]

Next day the House debated for nine or ten hours whether counsel should be heard for Crosby—decided in the negative—on Savile's motion, denying the right of the House to enforce its orders within the City of London (also lost); and then considered whether Wilkes' letter should be read. Thomas de Grey advised them to let him alone—proceedings would hurt themselves and benefit him. It was in this debate that Wedderburn made his humorous speech about the arrest of Wheble by his own "devil." Wilkes was again ordered *to attend this House*; and then

[1] On March 14, the printers Baldwin, Wright, and Bladon were reprimanded on their knees at the Bar of the House.

the Lord Mayor's clerk was called in and ordered up to the table. The book was opened, and the recognisance of William Whitham, Messenger to the House, was read. Here Aldermen Oliver, Sawbridge, and Trecothick, with other members, "shocked at this violent and arbitrary attack on the laws of the land," left the House. When they were gone, North moved that the Messenger's recognisance be erased out of the Lord Mayor's book, and they made the clerk erase it.

This was the 20th. Next day the Common Council met, and thanked the Mayor and Aldermen for defending our excellent Constitution. They also determined not to pay the Messengers of the House the £50 reward promised by the proclamation.

On the 25th, when the Lord Mayor attended again, there was again "a prodigious concourse." As members went into the House they were asked if they were for the Lord Mayor, and if they said No some of them were two hours getting through the crowd. Selwyn was hooted and hustled by mistake for Onslow. The High Constable of Westminster was called in and examined as to "a tumultuous crowd," which interrupted members coming into the House, and he explained that he had tried in vain to disperse them. The House had the entry in its Journal of February 27, 1699, read —on which day there was also a tumultuous crowd outside. Several Justices of the Peace were called in, and ordered to disperse the people, which they at last succeeded in doing—the House all this while debating what the Lord Mayor had done, and what should be done to him. At last, at ten o'clock, feeling very ill, he obtained leave to withdraw, and his friends outside took the horses from his coach, and drew him all the way home by torchlight.

Then there was a fierce debate—the printers, the Lord Mayor, Alderman Oliver, the influence of the Princess Dowager—all were mixed up together in furious recrimination. The House hesitated between censure, expulsion, and the Tower. It would have preferred expulsion, but its former experience was not encouraging, so it chose the Tower. At past midnight, a motion for the previous question having been lost by 272 to 90, it was carried: That the Discharge of Miller was a Breach of Privilege; That to hold the Messenger of the House to bail for a pretended assault was also a Breach of Privilege. And then, at near one in the morning of the 26th, Wallace proposed to proceed against Alderman Oliver. Barré said no Court would proceed on a new trial at this hour. But a motion for adjournment was lost by 214 to 97. When Oliver's friends asked what was the charge against him, Charles Fox replied, "What we shall move against the gentleman

will depend upon what he shall say in his defence." Oliver said that he asked for no delay. Welbore Ellis moved that Richard Oliver be committed to the Tower. Onslow seconded. Then Barré rose in wrath. "Listen," he said, "listen! for if you are not totally callous, I will speak daggers to your souls, and wake you to all the hells of guilty recollection! That I may not be a witness of this monstrous proceeding, I will leave the House, nor do I doubt that every independent man will follow me. These walls are baleful, they are deadly, while a prostitute majority holds the bolt of parliamentary omnipotence, and hurls its vengeance only upon the virtuous! To yourselves, therefore, I consign you!" Then he walked out, Dunning and about thirty others following him.[1] The ministerialists were furious—they almost drew their swords on Barré. Voices cried "To the Bar!" But the grim old soldier looked at them, and they thought they had best let him go. In a furious speech, Fox—then in the most truculent vein of his most truculent days—said the business of the nation was "to choose us—it is ours to maintain the independence of Parliament." At seven in the morning of the 26th, Oliver was carried quietly to the Tower.[2]

On the 27th "an amazing number of people" accompanied the Lord Mayor to the House. The Justices, the High Constable, and the guards were all at Westminster. The Lord Mayor was seven hours reaching the House.[3] There were more Justices than constables—the latter were soon overpowered, and one of their staves was dashed through the glass of North's coach. He was pulled out, his hat was torn into a hundred pieces, the mob "demolished the chariot, and but for Sir William Meredith's interfering, would probably have demolished him." The cries of the assailants told Meredith that they mistook North for Charles Fox, who was like him in figure. Charles had made himself the most unpopular man in the country—he had been foremost in keeping Wilkes out of the House, and was now engaged in keeping secret what was done inside. Presently the heraldic foxes on his coach pointed him out to his enemies. They broke up the coach, rolled Charles, in his fine clothes, in the gutter, and pelted him with oranges, stones and mud.[4]

[1] Barré's letter to Chatham.

[2] The House voted Oliver's committal by 170 to 38.

[3] Besides the Aldermen and Common Councillors, he was attended by a long procession of "merchants, bankers, shopkeepers, and brokers."

[4] A great deal of smuggling was done in French laced suits. Not long before a whole tailor's shop, which Charles was bringing over for himself and his friends, was seized and burnt by the searchers at the Dover Custom House.

It was impossible to transact business. The Justices came to the Bar to say they could not even read the Riot Act. The Sheriffs —luckily they were members of the House—went out, attended by other members, and by five o'clock had quieted the crowd so far that the debate could be resumed. Welbore Ellis moved for an enquiry into the disturbance. Fox "behaved like an apprentice," called his colleagues assassins, and spoke of the prisoners as criminals, while members as they came in from dinner called, "Question! question!" North made the most singular exhibition. With tears running down his cheeks he complained that he could not resign—that he was made the scapegoat of a policy he detested, and was at the mercy of the "insolence of a vile cabal." This was aimed at Sir Gilbert Elliot, the leader of the King's Friends, who pulled the strings on which the Minister was compelled to dance. But then he went on to accuse the minority of having hired the mob, "to do without what they despaired of doing within."

As Crosby was so ill, it was proposed to commit him only to the custody of the Sergeant-at-Arms; "but his lordship told the House he was much recovered, and desired to go to his honourable friend in the Tower." The numbers on the division were 202 to 39. Barré and others refused to vote. The Lord Mayor was allowed to sleep at the Mansion House, and was taken to the Tower at four next morning, before the gates were opened. The people mobbed Fox again in Palace Yard, and he angrily complained to the House —this was owing to the Sheriffs having "used gentle methods of persuading them to disperse the day before—they ought to have used compulsive methods." Not only had he been insulted that day, but the King had been insulted going to the House of Lords.

Throughout this business, the House had been chary of attacking Wilkes. They now repeated their order to attend, but his letter demanding to attend *in his place* was not read. At last they ordered him to attend on the 8th April—and, equally afraid of his obedience or disobedience, adjourned to the 9th ("on account of the Easter holidays"). The King himself had said, "I will have nothing more to do with that devil Wilkes." Wilkes had beaten George III in obstinacy! His Majesty also now had the good sense to express himself as "averse to meddling with the printers."[1]

The Dukes of Manchester and Portland, Lord Rockingham, Lord Temple, Admiral Keppel, Mr. Burke, Mr. Dowdeswell, and many others, attended by the Sheriffs, waited on the Lord Mayor and Mr. Oliver in the Tower; and on the 1st of April two carts, "filled with persons intended to represent some imaginary criminals

[1] The King to Lord North, March 17, 1771.

of high rank," went through the City to Tower Hill. In the first cart was a chimney-sweeper, who acted the part of clergyman. The person in the first cart "was pretendedly beheaded," put into a hearse, and carried off.

On the 5th—the day the Lord Mayor was brought up privately to Chief Justice de Grey's, in Lincoln's Inn Fields, and re-committed—two more carts went to Tower Hill. In the first was an executioner, "having the care of three figures painted on pasteboard, near as large as life," hanging on a gallows. They had nightcaps on, and handkerchiefs over their eyes, and their names were written on their backs—"two persons of rank, and an alderman"; in the second cart were four such figures; and they were all burned on Tower Hill, and presently their dying speeches were cried about the streets.

In the debate on the Budget (April 10) Lord North promised to take a shilling off the land-tax next year. We have made peace with Spain, "with advantage and honour." Trade flourishes; the American disputes are settled; "there is nothing to interrupt the peace and prosperity of the nation, but the discontents of a desperate faction," and these will subside every day.

Barré, Burke, and Dowdeswell replied with great warmth that the Peace would be short, and that the Lottery was an iniquitous project to bribe the servants of the public to betray their trust—it will put £150,000 into the pockets of the subscribers—whom Ministers can select. Cornwall said he should call for an enquiry next year, as to who had had these tickets. A few days later he made a motion not to allow members of the House to subscribe for more than twenty tickets in the Lottery. He showed how these ministerial lotteries were engines of bribery. It was easy to contrive that the friends of Administration should be the subscribers. In this way, in 1769, £120,000 was shared among the Ministers' friends. This year, it is the same—the Minister divides among his dependents as many tickets as they want, and upon each ticket they gain £2; so if a member has two hundred tickets, he gains £400. Will such a sum not influence his vote?

Of course the motion was lost.

A few other events of this eventful session deserve to be noticed. The first was the affair of the Shoreham voters. There was a Society at Shoreham called "the Christian Club," professedly a charitable society, but its charity ended at home. It was in reality a conspiracy to sell the borough to the highest bidder. The members were sworn to secrecy, by as many oaths and penalties as Freemasons. A select committee did the business—they never

appeared or voted at an election; but they told the others how to vote, and when the election was over shared the money between the members. All would have gone well if they had not quarrelled with the returning officer, who was one of them—he returned the other candidate on the ground that he knew many votes given to the first were corrupt. Now all came out, and the House was obliged to take notice of the affair. Eighty-one freeholders of Shoreham were disfranchised by name.

Alderman Sawbridge's motion for a Bill to shorten the duration of Parliaments was lost; so was Chatham's for a Dissolution. The present Parliament had been bought so dear that Administration was in no hurry to buy another. Nobody replied to the Duke of Richmond's motion to expunge the Resolution of February 22, 1770, concerning the Middlesex Election.

Parliament was prorogued on the 8th of May—this set the prisoners free. As soon as the park guns were fired, the Tower gates were opened—a cavalcade was in waiting far more imposing than that which escorted the King to the House of Lords. The Lord Mayor, in his state-coach, attended by the Sheriffs, the Aldermen in their scarlet robes, the Common Councilmen, and the Honourable Artillery Company, came in triumph to the Mansion House, the Artillery Company first firing a salute of twenty-one guns at the Tower gates. Crowds lined the streets all the way, and people stood at their windows applauding. The City was illuminated that night, and the mob broke the Speaker's windows.

This was the last great public demonstration for several years. Wilkes and Horne quarrelled soon after, and henceforth feeling was divided, every City patriot being for one or the other. From this time the WHIGS and RADICALS became two distinct sections of the Liberal Party. The immediate result was a decline in the vigour of Opposition.[1] The disorganisation begun by the death of George Grenville was completed by the enormous and crushing majorities of the last session. The *King's Friends* were too strong. A "sullen torpor" seemed to take possession of Opposition in Parliament, and the quarrels of Wilkes and Horne soon delivered Administration from all fear of opposition outside Parliament.

But the Printers had won.[2] The case of the Messengers ended in a *Nolle Prosequi*, the Attorney-General ruling that "it was indecent that the name of the Crown should continue as the protector of a messenger of the House of Commons." So the House had to

[1] Albemarle, *Life of the Marquis of Rockingham.*

[2] When brought before the House, all the Printers declared that their papers would be ruined if they ceased to report the Debates.

pocket the affront, and the debates were printed more boldly than ever. The Printers laughed at the authority of the House, and in the next session they even published the votes. The House took no notice, and in March, 1772, made an Order, by which persons brought to the Bar received judgment *standing*, unless it should be otherwise directed.

CHAPTER XXIX

STEPS TOWARDS RELIGIOUS LIBERTY

"Liberty is indeed a glorious thing; but liberty in the church is now growing like liberty in the state. It is liberty run mad . . . liberty of thinking and judging is one thing, and liberty of public preaching is another. . . . Thought is free, but public preaching should be laid under some restraints and regulations. But it may be said, why not allow liberty of preaching, as well as liberty of printing? Because the liberty of the press is not attended with such dangerous consequences. . . . No wise statesman would allow a full toleration to any religion, without knowing in the least what that religion is. Now what security do these men offer to give that their doctrines shall not be subversive of public peace? . . . They will subscribe 'a declaration of their believing that the Holy Scriptures of the Old and New Testament contain a revelation of the mind and will of God, and of their receiving them as the rule of their faith and practice.' And is this all? Can anything be conceived or expressed in lower and meaner terms than this? . . . Would not any Papist, would not any Fanatic, would not any Heretic freely make the same declaration? . . . There is no sect even of half Christians that would not make at least this declaration. . . . And will your lordships grant your license to any such teachers and preachers? . . . There would be nothing then that can hinder the doctrines of Popery from being preached, as freely as any other."—*Dr. Newton, Bishop of Bristol, on the Bill for the Relief of Protestant Dissenters*, May 19, 1771.

"Some gentlemen talk of raising barriers about the Church of God and protecting His honour. . . . What! man, a poor contemptible reptile, talk of raising barriers about the Church of God! He might as well talk of guarding Omnipotence, and raising barriers about the throne of heaven . . . that Church against which the gates of hell shall not prevail!"—*Sir George Savile on the Clerical Petition.*

A CURIOUS little incident occurred early in this session. Dr. Nowell, Principal of St. Mary Hall, Oxford, preached the usual sermon on the 30th of January. It happened that only the Speaker and four other members attended. Next day the House thanked the doctor, and desired him to print the sermon—Sir William Dolben and Mr. Popham were to convey this message. Accordingly, Dr. Nowell printed his sermon, and members who had not the privilege of hearing it, now read it, when "there appeared an universal detestation of the high church doctrines contained in it, it being to all intents a libel on King and people." Tommy Townshend said it ought to be burnt by the common hangman. North admitted he could not defend the doctrine. Gibbon says the House was nearly

agreeing to burning the sermon, when it recollected that it had thanked Nowell for preaching it! So then it was proposed to expunge the vote of thanks. Sir William Dolben—who had moved that vote—said he did so at the request of the Speaker—it was seconded by Mr. Popham—both had heard it preached. He defended the sermon, and complained of the spleen of Mr. Townshend, who had thrown it three times on the table declaring it ought to be burnt. Mr. Popham acknowledged he had heard—and had disapproved; "but Sir William insisted that I must have been mistaken," and that the Sermon did not say what I thought it did. "Now I have read it, I find I have been misled by Sir William Dolben; for I declare I think it the most exceptionable sermon I have ever seen." The Speaker said he had not approved of it either, and had mentioned the "disgust" it gave him to a gentleman who "I was sure would tell the preacher of it again." He thought the offensive passages would be left out in printing. Montague said the Clergy were in a very disagreeable situation when obliged to preach on the 30th of January. He remembered when a clergyman was refused the Thanks of the House, because he preached in the opposite extreme to Dr. Nowell. "What can the Clergy do? I intend to bring in a Bill to abolish the service." Newdigate, "with extreme violence and heat," justified both the preacher and Charles the First—he must own that King had one fault, which was complying too easily with the wishes of his people—he instanced the execution of Strafford, whose warrant Charles signed though he knew he was innocent. With more of the virtues of Charles "as a King and a gentleman." Lord Folkestone said the service for the 30th of January need not be a guide to any Englishman, for it was drawn up by Father Peters, confessor of James II.

Nowell had exhorted his Majesty to "copy closely the blessed Martyr's example"—Sawbridge hinted that he hoped to be made a bishop for this. "And I fear that our censure may have the same success." Dolben wound up the debate by saying he never would confess that Charles the First was a tyrant—he considered that monarch a perfect pattern to royalty. Nevertheless, the House felt that if Nowell was to be applauded, none of them, from the King downwards, ought to be there—and the motion to expunge was carried without a division.[1]

[1] "I am glad to find Mr. Montague's motion has been rejected, as it will keep many worthy men in good humour; besides the abolition of the day would not be very delicate."—*The King to Lord North*, March 2, 1772. The "worthy men" were the divine-right Tories, who had now come over to the side of the King *de facto*.

On February 4, 1771, the great cause of the Chamberlain of London against Allen Evans was finally decided in the House of Lords, greatly to the honour of that House, and of Lord Mansfield, whose conduct in matters of religion was as admirable as in politics it was usually unworthy. Mansfield pitilessly exposed the action of the Corporation—they chose Evans for Sheriff because they knew he would refuse to take the Sacrament at Church, therefore could not serve; therefore, as they hoped, could be made to pay the fine of £500 for refusing to serve—a fine many Nonconformists had paid before him. Mansfield's argument was unanswerable. He said that, before the Toleration Act, to refuse the Sacrament was in the eye of the law a crime, every man being required by law to receive it at church once a year. "But the case is quite altered since the Act of Toleration: it is now no crime for a man to say he is a Dissenter, nor is it any crime in him not to take the Sacrament according to the rites of the Church of England: nay, the crime is if he does it contrary to the dictates of his conscience." "Conscience is not controllable by human laws, nor amenable to human tribunals. Persecution will never produce conviction. Persecution is against natural religion, revealed religion, and sound policy." There was no occasion to revoke the Edict of Nantes; the Jesuits needed only to have advised a plan similar to what is contended for in the present case! "Make a law to render them incapable of office; make another, to punish them for not serving. If they accept, punish them; if they refuse, punish them. My Lords, this is a most exquisite dilemma, it is a trap no man can get out of; it is as bad persecution as that of Procrustes. If they are too short, stretch them; if they are too long, lop them. Small would have been their consolation to have been gravely told, the Edict of Nantes is kept inviolable; you have the full benefit of the Act of Toleration, you may take the Sacrament in your own way with impunity; you are not compelled to go to Mass. Was this case but told in the City of London as of a proceeding in France, how would they exclaim against the Jesuitical distinction!"

The House immediately gave judgment for Evans, *nemine contradicente.*

Perhaps this set men thinking about the whole question of a dominant Church. On the last day of this year the undergraduates of Cambridge University presented a petition to the Vice-Chancellor, praying for relief from subscribing the Thirty-nine Articles of the Church of England on taking their bachelor's degree. There was a similar movement at Oxford. On February 6, 1772, a far more important petition was presented to the House from about

250 clergy and other professional men, praying for relief from subscription. This petition was a result of the impression made by Archdeacon Blackburne's celebrated work, *The Confessional.* At the beginning of 1771, by desire of some of his brethren, the Archdeacon published Proposals for an application to Parliament for relief. Paley drew up the petition, and Sir William Meredith presented it.[1] It was violently opposed by Sir Roger Newdigate, who represented it as a Socinian movement. The best speech was that of Sir George Savile—a truly beautiful defence of religious liberty. His position was simple—as Protestants, we have all a right to judge for ourselves what Scripture teaches; in subscribing the Articles, we accept the interpretation of other men. It was remarkable that no one had a good word for the Articles themselves—many even owned they were self-contradictory and unscriptural; but they kept out somebody, and they were "Articles of Peace." They did not ask what kind of peace is maintained by refusing to amend what ought to be amended, or what kind of Church is maintained by telling all who propose to amend anything that they ought to leave it. But the argument of arguments in this question is the undeniable fact that a forced subscription keeps out the conscientious, and lets in the unconscientious—shuts out the scrupulous, and admits the unscrupulous.

Charles Fox "did not shine in this debate," nor could it be wondered at. "He had sat up playing hazard at Almack's, from Tuesday evening 4th, till five in the afternoon of Wednesday 5th."[2] For four nights and days, he had been to bed but once—drinking hard, playing harder, and losing hardest of all, till his friends declined to believe that such persistent ill-luck could be the work of chance.

[1] February 6.

[2] An hour before he had recovered £12,000 that he had lost, and by dinner, which was at five o'clock, he had ended by losing £11,000.—Horace Walpole, *Last Journals*, i. 12.

This same night, after speaking, Charles won back £6000, and next day set out for Newmarket. Walpole gives a most extraordinary description of the young bloods at Almack's (in Pall Mall). They played only for rouleaus of £50 each. "They began by pulling off their embroidered clothes, and put on frieze great-coats, or turned their coats inside outwards for luck. They put on pieces of leather (such as worn by footmen when they clean the knives) to save their lace ruffles; and to guard their eyes from the light, and to prevent tumbling their hair, wore high-crowned straw hats with broad brims, and adorned with flowers and ribbons; masks to conceal their emotions when they played at Quinze. Each gamester had a small neat stand by him with a large rim, to hold their tea, or a wooden bowl with an edge of ormolu, to hold their rouleaus. They borrowed large sums of Jews at exorbitant premiums. Charles Fox called his outward room, where those Jews waited till he rose, the *Jerusalem Chamber.*"—*Last Journals*, i. 7.

Suddenly, he washed his face—which some declared was the beginning and end of his ablution—went down to the House, and delivered an odd double-edged speech half for, half against the Petition. He thought religion was best understood when least talked about, and he thought the Articles savoured of Christian charity. On the other hand, they ought not to be thrust down the throats of young persons twelve years old (as they were at the Universities). He had had to subscribe them himself at twelve—whereas a young man need not take the Oath of Supremacy till sixteen. A great majority rejected the Petition—even Burke voted against it. Most, however, would have been willing to relieve men of any other than the clerical profession. For them, they insisted that assent to the most profound doctrines of religion should remain a performance necessary for getting up in the world.

The Clerical Petition came from the Church. Next, Protestant Dissenters prayed for relief.

Although, since 1688, they had a legal right to exercise their religion, their ministers, schoolmasters, and private tutors were obliged to subscribe the doctrinal part of the Thirty-nine Articles.[1] Those who did not were legally subject to heavy penalties for each offence—penalties which had fallen into abeyance, but, not being repealed, could always be revived. For a long while, however, as the Calvinistic tendency of the Articles made them not unacceptable to Dissenters, subscription was not complained of. But by 1772 the old Calvinism had much declined—men like Doddridge had arisen, and there was a greater freedom of thought, and with it a growing objection to sign the Articles.

On the 3rd of April, 1772, a Bill was brought in by Sir Henry Hoghton, "to Relieve Protestant Dissenters." At the first reading, there were only two dissentients—Sir Roger Newdigate and Sir William Dolben. On the second, a division was taken, when 70 voted Aye, and 9 No. The noes protested their love for religious liberty, but thought there might be too much of it; and Dolben hinted that some of the supporters of "this wicked motion" were of those who say in their hearts "There is no God." Newdigate talked about Charles I, and made the House laugh by calling him "the only canonized saint of the Church of England." Dyson having quoted Mr. Locke's "Letter on Toleration," Sir Roger suggested that "that great philosopher" was probably a Presbyterian. He thought Mr. Locke's Letter the most excellent piece of reasoning he had ever read; but the system was too pure to suit the depravity of man. The religion of every country bore the colour of its civil

[1] That is, the Articles not relating to Church Government.

government—in a monarchy it was monarchical, in a republic republican; he wished to prevent the Dissenters from "giving a shock" to our present Establishment, and having more privileges than the Church—especially as they are on so much better a footing already, being empowered to elect their own ministers. Sir William Meredith said that the cruelty and inefficacy of the penal laws were alone a sufficient argument for the Bill, and instanced the case of Mrs. Fenning, now on the table. She was in danger of losing all her property by these laws, and this was a refutation of the argument for retaining such laws—that it was not in the heart of man to put them in execution. To this Newdigate replied that he was not very averse to the abolition of the penal Statutes, but Mrs. Fenning was a Papist, and no one had ever yet proposed to repeal the penal laws against that sect of Christians. Hoghton quoted Bishop Warburton, that the "mark of the beast is persecution"; and that the Church in which religious liberty is maintained may truly be called Christian. All the great names of Opposition spoke for the Bill.

In the Lords, Chatham and Richmond warmly supported it, but the Bishops of London and Llandaff said it was a motion to relieve Socinians and Deists, and frightened the House with quotations from Dr. Priestley. The Bill was lost by 102 to 29. But the bringing in of such a Bill at all was a sign of a change in public opinion.

The King's Speech of January, 1772, promised peace, but after continuing the Embargo (as there was still great scarcity of corn, after the poor harvest of 1771) the first thing the Commons did was to consider Mr. Buller's motion for 25,000 more seamen for the Navy. Admirals Saunders and Keppel opposed it. Keppel said that when we sent ships, the French did so too, till we trusted entirely to the prudence of our commander, whether or no he should engage us in war. Lord North used the extraordinary argument that the extra men were necessary, "not only to cope with the French, but to be a check on the present officers of the East India Company—who, for want of proper laws, disobeyed their masters, and thereby as suddenly as exorbitantly increased their own finances; a conduct which might hazard the loss of those dominions to this kingdom." Dowdeswell said this enormous increase in our peace expenses was worse in its consequences than an expensive war—for that was temporary, this perpetual. Stocks had been kept under par during this last peace, because the hopes of paying off our debts had diminished; "this method will consume us like a slow poison." But the Bill passed without a division.

The death of the Princess Dowager,[1] on February 8, 1772, at the age of fifty-two, removed a figure at once prominent and obscure—so much was believed of her, so little proved. That she filled the head of a King of England with notions dangerous to a constitutional sovereign and to the liberties of a free people, is certain; the rest is conjecture. A strangely resolute, haughty, unbending nature, seeking sympathy from none but Bute, she carried to the grave the secret of her relations with him. Her death was hastened by the news from Denmark that her daughter Caroline Matilda—youngest and best beloved of the King's sisters—was a prisoner in the Castle of Cronborg, accused of adultery with Count Struense. Two days before her death she wrote to the King of Denmark, but she was dead before the reply came promising that the unhappy young Queen should be treated leniently.

On February 17 there was a recrudescence of the Nullum Tempus question. A member[2] whose estates were Abbey lands (and whose title-deeds had once been nearly sold for waste-

[1] "She had long struggled secretly with a humour in her blood, which she had fatally brought into the family, and for the last three months her sufferings had been dreadful, and menacing her life, yet her fortitude was invincible, and she kept up to the last that disguise and reserve which predominated so strongly in her character."—Walpole, *Journal of the Reign of George III.* The Princess died of "an abscess in her throat"—others called it cancer. She would let no one but "her German page or surgeon look into her throat"—and once, Sir John Pringle, at the King's earnest request. The Monday before she died, reading in a newspaper that she was in danger, "she instantly called her coach, and drove through the streets to Kew," though she fainted by the way. Her last act was an attempt to reconcile the King with the Duke of Cumberland. After receiving the news from Denmark, she took hardly any nourishment but cordials. Bute was with her two hours on the 6th. Her extraordinary resolution could not conceal that she was dying. Bute went again next day—while the King and Queen were with her, but she declined seeing him. The King and Queen remained all that night at Carlton House. She died early next morning. "To the astonishment of all mankind," she left no will; and "to their greater surprise, no money!" Yet for twenty years she had enjoyed £64,000 a year, and had lived "most privately"—though "most charitable." Everyone had expected she would leave at least £300,000. Walpole thinks she assisted her brother, the Duke of Saxe-Gotha, but says that report suspected Bute, who had bought the estate at Luton "for £114,000, before he was visibly worth £20,000," had "built a palace" there, another in "town . . . in short had given but too much handle to ill-natured conjecture." The people "huzzaed for joy" at her funeral, and behaved with great indecency.

[2] Henry Seymour. He said that the family of a law-member "was at this instant £120,000 the worse by the claim of a bishop upon his lands, after the quiet possession for a hundred years." This was called "the Church Nullum Tempus Bill."

paper by a discharged servant) asked leave for a Bill to secure holders of Church lands against claims of more than sixty years' standing. North opposed the motion, because the member had not told the House the details of his Bill. Fox fell upon North for introducing a new parliamentary rule, and Ministers were more nearly defeated than they had been since Fox saved them on the old Nullum Tempus Bill. A day or two later, Fox resigned his place as a Junior Lord of the Admiralty. Some said it was anger with North.[1] Horace Walpole hints that it was by the direction of his father, who was dissatisfied at not obtaining the earldom he had asked for. But there was a far more important reason than either of these; and the alarm, approaching to panic, caused by the desertion of this wild and dissipated boy, showed that Ministers guessed what he meant to do. The very day he resigned, the King's Message about the Royal Marriage Bill was delivered to the House of Commons. It was brought in in the Lords on January 30—the day after the dreadful news came from Denmark. The private marriages of two of the King's brothers were the cause of the Bill.[2] It "teemed with seeds of future civil wars, by bastardizing children of the Royal Family born in wedlock which had not the King's consent." Princes marrying Englishwomen, and having issue, such issue would be preferred by the nation to "foreign and unknown descendants of George II."[3] For no descendant of George II (except the issue of foreign marriages, over whom, of course, the Kings of England could not continue control) could marry without first obtaining the King's consent. "The House of Commons had just maintained the Thirty-nine Articles, one of which affirms that all Christians have a right to marry."

The first draft was terrible—there was no limit of age, the period was for "natural life." But "the general disapprobation and the defection of Charles Fox terrified Ministers so much" that

[1] "The Rt. Hon. Mr. Ch. Fox dispatch'd the following laconic letter to Ld. N—th: 'My Lord, you have grossly insulted me, and I will resent it. I am just going to set out for St. James's to resign my seat at the N—y board to the King.'" —*Gentleman's Magazine*, 1772, p. 92.

Fox himself told Lord Ossory that his reasons were very complicated—the Royal Marriage Act was his chief reason.—Lord John Russell, *Life of Fox*.

[2] The young Duke of Cumberland had married the widowed sister of Colonel Luttrell. Junius called on Middlesex to rejoice—a greater than themselves now knows what it is to have a Luttrell forced on him against his will! The Duke of Gloucester had married—or was about to marry, it was not yet certain which—Lady Waldegrave, niece of Horace Walpole.

[3] Horace Walpole.

the Bill was altered next day to the age of twenty-five—Mansfield, "called upon by Ministers at Midnight," drafted it with this "softening alteration." It was got through the Lords in a few days. Rockingham insisted on summoning the Judges; but Mansfield contrived to prevent their opinion from being explicit. Camden made a bold speech against a Bill which did not even allow the princes to be heard by counsel. Shelburne was "very warm" against the Bill. Grafton was first for hearing the Judges—and then explained himself away. The Duke of Richmond was the most vigorous of all.[1] The day the Bill was read a second time, the Duke of Cumberland came to the House, but except the Dukes of Richmond and Bolton, not a soul spoke to him, and Richmond advised him to leave the House.[2]

The Bill probably passed all the easier because Chatham was ill. Temple went three times to Court to assure the King that he would do nothing to weaken the Government further, now it had received the shock of Fox's resignation—he wished to get rid of the Bill, but not at the price of upsetting the Cabinet.

In the Commons there was more trouble. Nobody liked the Bill, but the King was sullenly determined it should pass. When he suspected that Burgoyne had purposely absented himself from a division, he was about to dismiss him from the governorship of Fort William. The country knew little about the business. All reporters were excluded. The debate lasted ten hours. De Grey said it had become a question of bodily strength. The House was "very restive." In particular was the Bill abhorrent to the House of Fox. Fox's father, Lord Holland, ran away with the daughter of the Duke of Lennox, in whose veins was the blood of the Stuarts. Charles' aunt, Lady Sarah Lennox, would have been Queen of England but for Bute and the Princess Dowager—and perhaps for a fortunate accident which removed Lady Sarah from the scene for a few weeks.[3]

The second reading did not come on till February 26. Charles

[1] Both Dukes were descended from Charles II. Richmond was a Lennox.

[2] It is fair to say that Cumberland's private character was very bad. In July, 1770, Lord Grosvenor obtained £10,000 damages in the King's Bench against him for seducing Lady Grosvenor. (The damages were laid at £100,000.) Grosvenor's own conduct had been such that he was unable to apply for a divorce. The King had to find the money—with costs, £13,000—which he said he had difficulty in raising. The Duke of Gloucester was a very different man, and much liked.

[3] She broke her leg, and before she could return to Court the King had been worked on to give up his intention. Lady Sarah was the mother of the Napiers.

was still but twenty-three, but already he "could confound the reasoning of his opponents,"[1] and he had more than once saved the Government from defeat. He now fought the Bill persistently. He had never spoken so well as now—but he had never spoken in so good a cause. In its final shape the Bill enacted that no descendant of George II (other than the issue of princesses married out of England) shall be capable of contracting marriage without the consent of his Majesty, his heirs or successors, under a sign-manual; and any marriage contracted without such consent first obtained, shall be null and void. But a prince can marry, after the age of twenty-six, if he has entered his intention to do so on the books of the Privy Council, twelve calendar months before, and if both Houses of Parliament have not expressed their disapprobation of the marriage. The Bill was fought inch by inch in both Houses. Rockingham and Camden tried to restrict it to the children and grandchildren of the reigning King, and to the heir-presumptive, and to omit the annulling clause for persons of full age. "Thurlow thought the Royal Family went *ad infinitum*. The Speaker thought it would be monstrous if it did."[2] The Bill passed in the Lords with two strong Protests.

It was perhaps for his services in getting the Marriage Bill through the Commons, that on the 18th of June North was invested with the "blue ribband" of the Garter.

The country said that Charles Fox had turned patriot. Gibbon wrote that he was learning to pronounce the words, "country, liberty, corruption." But he did not go into Opposition, as was expected. He was modestly silent, or spoke briefly and mildly on questions connected with the Admiralty. "No one thought he would always sit among the army contractors and Anglo-Indians below the gangway." Toward the end of the year the Cabinet was almost reconstructed, solely to take him in again—and keep him out of mischief. Jenkinson was made a Joint-Vice-Treasurer for Ireland, and Fox got his vacant place of Junior Lord of the Treasury.[3]

[1] Almon says this of him while still a ministerialist.

[2] Beaumont Hotham's "Letter to John Lee." This is the only account of the proceedings in the Commons on February 20, the day the King's Message came to both Houses. "We have rallied much better than was expected. The Great Champion of the day was the Speaker Norton; but I believe before he had finished his speech, the Ministry conceived him to be more their enemy than their friend." The numbers were 200 to 164 on the right of the Kings of England to control all marriages in the Royal Family.

[3] "A King's friend was thrust upstairs into an Irish Vice-treasurership, a nobleman who had been a friend of Chatham (Edgcumbe) was thrust downstairs,

As a side-light on the eighteenth century, a curious little incident may be mentioned here—it was indirectly connected with the marriages of the Royal Dukes. Colonel Luttrell was much offended at the small account made of himself and his sister, the new Duchess—all the more galling, because to the frowns of the Court was added the cold shoulder of the public in general. His sister was become as unpopular as her husband—while the levée of the Duke of Gloucester was crowded in defiance of the royal displeasure, nobody went near the Cumberlands. Luttrell, thus universally unpopular, saw an opportunity of at least annoying the Court. Smuggling had become universal. The exorbitant prices of London tradesmen caused many of the nobility to import goods from France. Even Ministers of smaller foreign Courts had turned smugglers—indeed, the Spanish Ambassador was almost the only foreign envoy who did not stoop to use an Ambassador's privilege to defraud the British revenue. The Venetian, Neapolitan, and Bavarian Envoys seem to have been the worst—the Bavarian, Haslang, was said to have maintained himself for thirty years by gaming and smuggling. The London cabinet-makers complained that as many goods[1] as would have employed four hundred journeymen for many months to manufacture from rough materials, had been smuggled in, duty-free, "under the privilege of foreign ambassadors." Luttrell offered to carry their petition to the House of Commons, "and did, at the head of a multitude of clamorous tradesmen." He made an alarming speech. He trembled, he said, for the safety of the Heir of the Crown. "The House was amazed. Yes, continued he, the Prince of Wales is often at the house of the principal smuggler; and as the mob, some day or other, provoked past bearing, will indubitably attack and demolish that palace of contraband commerce, the life of the successor himself may be in danger." Still they did not understand. North asked who it was? Luttrell, "in a more than half whisper, which, from the silence of curiosity, was heard distinctly by the whole

and a large bag of public money flung after him, and the chair at the treasury table, which had been emptied with so little ceremony, and so great expense to taxpayers, was respectfully offered to Fox."—GIBBON.

[1] The "goods" were parts of chairs, etc, "disjointed, but in such a manner as to require very little trouble in the completion; these they stiled lumber, and rated them so much under value, as to be able to pay the duty of 75 per cent." The cabinet-makers had complained of this about four years ago, with the result that care was taken to make the goods pay duty to the real value, "which entirely disconcerted that diabolical scheme." Thus disappointed, the smugglers had recourse to the privilege of Ambassadors.—*See Statement in the "Gentleman's Magazine,"* 1772.

House, named Lord Holderness, the governor of the Prince, who, with his wife, was indeed a notorious dealer in prohibited merchandise." In fact—though Colonel Luttrell did not say so, Lady Holderness had, in Mr. Grenville's Administration, occasioned the laws against smuggling to be executed more rigorously. On one single journey from Paris, she "imported" one hundred and fourteen gowns. They were unluckily seized, and her ladyship's friends and herself were disappointed. But when Lord Holderness became Warden of the Cinque Ports, she resumed business, carrying on "a smuggling intercourse" at Walmer Castle itself, for importing French clothes and furniture.[1] In these very awkward circumstances, North begged the cabinet-makers to wait till next winter, when he would endeavour to redress their grievances.

On February 23, 1773, Meredith made another attempt to relieve Undergraduates from subscription to the Articles. This time, Fox spoke with seriousness—wishing, no doubt, to undo the effect of his levity last year. The Bill passed the Commons, but was lost in the Lords—as the King had recommended. More Bishops voted against it than members of the Commons—only Green of Lincoln was for the Bill.[2]

[1] Mr. Holroyd told Arthur Young that all the "lively young men" in Sussex were employed in smuggling—could earn a guinea a week as riders and carriers, with no risk—cannot therefore be expected to work in the fields for 8s.—*Hist. MSS. Comm. Report XV*, App. pt. 6. Out of the season, Lady Carlisle's own chairman filled up his time by landing tea from smugglers in the Thames.

[2] The King told North to see that the Bill was thrown out in the Lords, but "not to be too hard on those well-affected gentlemen who owed their seats to nonconformists." When he was told that Bishop Green had voted for the Bill, he said, "Green! Green! Green shall never be translated!"

CHAPTER XXX

THE COMPANY AGAIN

"It is better to make no Alterations. It is the Ultimatum of the Treasury. There, Gentlemen, take it; or go into Parliament; and God knows the consequence."—*Speech of the Chairman*[1] *of the East India Company*, Feb. 2, 1769.

"The East India Company are at this time sovereigns of a rich, populous, fruitful country, in extent beyond France and Spain united; they are in possession of the labour, the industry, the manufactures of 20 millions of subjects; they are in the actual receipt of between 5 and 6 millions a year."—*Speech of Lord Clive in the House*, Feb. 27, 1769.

"I appeal to the knowlege of every gentleman in the House, when I remind them of the system of warfare which the East India Company have been carrying on within themselves. The military have been setting at defiance and tearing to pieces the civil agents; the civil agents have been setting at defiance and tearing to pieces the Directors; the Directors have been setting at defiance and tearing to pieces the Proprietors."—*Ibid.*

"The scandalous method by which the Company raise their militia should be abolished. There is but one season of the year when they can raise them at all; and then they are shut up in lock-houses."—*Ibid.*

WHEN Lord North opened his Budget on the 1st of May, he said, "There is the fairest promise of peace that I ever knew. Ten years more of peace, and we shall have paid off 17 millions of the National Debt. Ten years more of peace, and we shall be in a condition, without any additional taxes, to undertake such wars as preceded the last." "We do not stand in need of more conquests. Our dominions are at least as extensive as we could wish; and their improvement, not their extension, should be our chief aim." He then unfolded his plan for paying off the debt—a plan "the most just to the shareholder, and the most beneficial to the stockholder and the public." £1,500,000 of the 3 per cent. Annuities was to be paid off by Michaelmas, in two instalments—the stockholders were invited to accept £90 in money, and the interest due for every £100 stock. As a further inducement, for every £100 stock thus paid off, the stockholder would receive four Lottery Tickets—to be paid for at £12, 10s. each, in four instalments. There

[1] Mr. Boulton.

would be 60,000 of these tickets, and £600,000 was to be distributed in prizes, among the "proprietors of the fortunate tickets."

The books were opened next Monday morning at the bank, at eleven o'clock, and the whole was subscribed before one.

In spite of these fair prospects, the East India Company was in worse trouble than ever. After it had bought a respite with the £400,000 a year, Administration pretty much let it alone, and it made friends to itself among the general public by constantly raising its dividend. In 1769, the dividend was 11 per cent.; in 1770, it was 12; and in 1771, it was raised to 12½—the extreme limit now allowed by law. But all the while, dreadful tales were being circulated—accusations of colossal fraud, extortion, and treachery—even of poison and murder, and of Nabobs made and unmade for sums equal to a king's ransom, sums promptly distributed among a few of the Company's servants, who set at defiance the Company's orders! Even through the shouts for Lord Mayor Crosby, a frightful rumour had made itself heard, that two millions had perished in Bengal by famine and pestilence; that the manufactories were at a stand for want of workmen; and that for two or three years to come it would be impossible for investments to be made in Europe. Later reports had declared that the calamity was not as great as this—notwithstanding the Famine and Pestilence, the whole of the Company's revenues had been collected, the investments made, and nine ships already freighted. This was reassuring; but probably the reports had helped on the rejection of the East India Recruiting Bill in April. This was a Bill to allow the Company to raise a military force for the protection of their possessions. Colonel Burgoyne had opposed it on the ground that it would interfere with our own recruiting, besides bringing a German force over here, contrary to the Act of Parliament, and another of Irish Catholics, contrary to the law of the land—for the force was to consist of 600 "German Protestants," 700 "Irish Catholics," and 700 English. Those who were for the Bill rested chiefly on the fact that it would put an end to "the infamous system of locking-up houses, where men are decoyed and detained contrary to law, to the causing of riot and tumult." The debate is interesting for the speech of General Smith, whose name was so often before the public in Hyder Ali's war. Smith said that when he left Bengal, the European army consisted of 3000 men, in very good discipline, "considering the sort of men," who, being chiefly raised in London, were the riff-raff of the people, mostly boys under 17, or "old men above 40 or 60 years old,

fitter when they arrived for the hospital than the ranks." "The Seapoys were almost too good." He objected to the Germans—"they were always ready to desert to the enemy," especially if things went wrong—and the Indian princes offered half a crown a day to European deserters. But the chief objection to the Bill came out later—the Company could afford to offer so much more than the regular army, that they would get our men away! On the division, the numbers were equal—45. The Speaker said he should vote for getting rid of these infamous methods of raising men. Other members having come in, another division was taken, when the numbers were 50 and 51. So the Bill was lost.

What a tragedy, what a satire is the story of the East India Company's conquest of Bengal! Power too great for human virtue to use without abusing; riches too vast, and too suddenly obtained, for human self-control—an empire won in a day, and everybody rushing to buy a share in Fortunatus' Purse. And before seven years were past, or the world had done gaping at this amazing prospect, the Company is on the verge of bankruptcy![1] With the wealth of the Indies in fee, it is asking leave to borrow £600,000! Instead of paying £400,000 into the Treasury, it is trying to get a Treasury loan of £1,500,000! Then the hideous revelations of the Company's mal-administration in Bengal—the rice-famine and the forestallers, the wretches dying of starvation in the streets of Calcutta, and a hundred of the Company's servants not able to fling the corpses into the Hoogly fast enough! Then the enquiry, and the ocean of corruption and iniquity it brought to light; the dishonest attempt to throw the brunt of the responsibility on Clive—his equally shameless defence of himself—his crimes and his wrongs; the strange double verdict by which the House condoned the terrible tale of Surajah Dowla and Mir Jaffier; and Clive's death by his own hand. Surely all this is a tragedy as great as ever inspired moralisings on the vanity of human greatness.

By April, 1772, the Company owed a million, and had nothing in its treasury. It was in debt to the Bank of England, to the Customs, to the Treasury; and the Directors were quarrelling violently among themselves. In this terrible predicament, they

[1] To this it may be added, that however great the opulence of Bengal might be, yet, as it was not founded upon any inherent treasure in mines, but depended solely upon the labour and industry of the people, upon commerce, manufactures, and agriculture, it cannot be supposed that it could long bear the sending of between seven and eight hundred thousand pounds sterling of its capital stock annually out of the country, without a possibility of return.—*Annual Register*, 1773, *65.

were compelled to eat humble pie, and ask Government to help them by a loan, though the loan necessarily involved the enquiry which they dreaded more than Hyder Ali himself—or a hundred of him—the enquiry they had been staving off for seven years.

The glorious prospect of untold riches was changing to panic—absolute ruin seemed to stare the Company in the face; and with the Company, it seemed as though the British Empire itself might come down. India had for some years been yielding a clear produce to the public and individuals of between two and three millions sterling a year. If this should be lost, where could Administration turn to find a substitute? The tale was frightful. Tyranny, extortion, extravagance, famine! The Company had no longer any control over its own servants—was compelled to confess this, and crave for new powers. Its military expenditure was more appalling than ever—that £2,728,552 for fortifications alone, was still unpaid. The army was mutinous—in 1766, Clive had put down what was really a conspiracy of the Company's officers to usurp the chief control. All the rules made in Leadenhall Street were set at nought in Bengal and at Madras Then came the most terrible part of all. In 1770, the rice crop was short, and English capitalists, by buying up all the rice there was, caused a famine so severe that after the Nabob of Oude had distributed all his stores to the people, they continued to die by thousands in the streets of Calcutta; dogs and vultures fed on the corpses in sight of all men, and the Europeans themselves nearly fell victims to their own monopoly—by which monopoly, while speculators grew rich, the Company itself was reduced to the very verge of bankruptcy.

Outside, the clamour increased. Many servants of the Company, who had been dismissed, or who had been allowed to resign, on account of malversation while in office, had returned home, breathing vengeance against the men who had stopped their schemes, and more especially against Clive. They bought stock, that they might have the right to attend meetings, and to vote at Courts. Three years before, Clive had overthrown the once all-powerful Sulivan; but Sulivan was still powerful, and his interest among the Directors was still so great, that Rous, the new Chairman, found it difficult to muster a sufficient number of Directors to sign his ordinary letters. Through the Chairmanships of Boulton and Dudley, Sulivan's influence continued very strong, and was said to be favoured by Chatham and Shelburne. Administration had talked very big, but had done nothing, and was suspected of not intending to do anything, and of only keeping the threat of

enquiry hanging over the Company's head, until it could bring about the great changes it did intend to make in the Company's Charter. Things were in this position when, on the 3rd of March, at a meeting of proprietors, the Directors announced that they had prepared a plan for the better regulation of their servants in India. "Great debates ensued," and some personalities were exchanged between Sir George Colebrooke and a Mr. Balls, "not much to the credit of either." But it was agreed at last that the Company should apply to Government for a new Charter.[1]

The pamphlets of the time are interesting reading even yet. Out of the recriminations of the opposing factions, we can reconstruct the situation. The position was one of the most singular in the history of conquest and of commerce. In 1756, the conquest of Bengal wrought an entire revolution in the Company's affairs and policy. Sulivan sprang into power, and for several years had almost absolute authority. At first, he was a supporter of Clive; afterwards, he became his bitter opponent. The author of a vigorous pamphlet, printed in 1769, charges Sulivan with having "entirely changed the Company's affairs, and brought it to the verge of ruin." "Through him," he says, "our system of trade is changed to a scene of war." This writer is far from thinking that trade follows the flag—on the contrary, "Empire in India can be no benefit to any European power; it is *trade*, not *sovereignty* that is our interest to pursue, and the change of our own manufactories for theirs, by which *only* it can be of advantage. These, conquests cannot *promote*, but must *destroy*. The interest cannot lie on *one* side; our emoluments and those of the natives must be *reciprocal*."[2]

Another writer says the Company pretends to be poorer than it is—goods are purposely kept unsold, and bad debts so

[1] In April, 1772, Lord George Germaine, through a third person, made a communication to Colonel Barré, giving his opinion of India affairs—"that he knew no way of setting matters right but one, which was to throw the whole into the hands of a single person; that he knew but of one man in the kingdom whose character for firmness, disinterestedness, honour, civil and military talents, pointed him out for such an undertaking, which was Colonel Barré." Shelburne seems to have thought it might do (see his letter to Chatham of April 13). He had heard it repeatedly mentioned—"but at present we are a hundred miles off honest inquiry." Such a proposal from the Ministry or the Directors would be "either hollow or trifling," but "from Lord G. G. who has nothing to do with either, and whose reputation is not to risk, but to make, must arise from some dark, selfish plan." Barré appears to have thought so too. He declined to consider becoming the first Governor-General of Bengal.

[2] Letter from a Proprietor of India Stock, in Town, to a Proprietor in the Country.

represented as to make the profits of 1768 appear only £62,326. The Company will be worth at least 20 millions when the Charter expires! "In 1767, the Directors owned we were rich in India, but poor here; the 1768 Directors allowed we were rich in both, but the cash account was low; in 1769, we are rich in England, but have a very expensive war in India."

On the news of our acquisitions in Bengal, says a third, we rushed to invest—we could not hold too much stock. Then somebody made the dreadful suggestion that the revenues of Bengal might possibly belong to the Crown — that Parliament might examine our affairs. "The alarm once given, L——ds, Lacquais and Merchants ran with equal haste to the Alley. Stock fell 30 per cent., while the terror and anxiety in every countenance afforded a truly ridiculous and comic scene."[1]

Another letter, challenging the Company's right to make war and peace, charges a Director with having said, at the meeting of August, 1772, that "they had given as much power to the King's officers as they thought convenient, and were not willing to give more." He contrasts this cavalier reply with the "civility" of the King's Message.

We find other writers complaining that "the old steady permanent proprietors" are the dupes of the rest, who are alternately bulls and bears—now spreading it that affairs are flourishing, then a few days later telling us they are desperate, and we must waste another £200,000 a year more on Supervisors, and "the annihilation of our present government." "We are so amazingly prosperous, that we shall not be able to make a dividend at all. They tell us in the same breath that our China cargoes are falling off, and that we must have more ships. Before Mr. Vansittart sailed, we had men and officers enough to beat Hyder—now we must have 440 officers more." Lord Clive multiplies expenses to gain influence and votes—at least a million has been lately spent unnecessarily on the military establishment of Bengal; and Clive has spread a report that the Governor and Council intend to "place Shaw Aulun on the throne of Indostan." The innocent dupes, male and female, are hurried into the India House by their leaders to vote away the little property they possess.

[1] "In Parliament, the attack upon the Company was led by a Gentleman, who has ever been considered as a strange mixture of folly, wildness, good sense and absurdity . . . he seemed to think it lawful to treat any *rich* body of men as our King John did the Jew, who had seven teeth drawn, before he *consented* to part with his money."—*Letter to the Proprietors*, 1769. (This writer is for Rous.)

On this the partisans of the Directors ask how a friend of Sulivan dares talk of expense?

All these writers agree as to the value of the prize. It is not wonderful that a Minister at his wits' end for new taxes, should have resolved that if the Company wanted a new Charter it should pay for it. It began to be rumoured that Government intended to interfere, to preserve the revenues of the Company—for the benefit of this country, and to save the Company from itself. Both reasons were alleged, and both were true. The Government and the country alternately exulted in the hope of living henceforth on the tribute of Bengal, and trembled lest they should be crushed beneath their Indian Empire. The Directors called a General Court in a great hurry, but before it could meet, they received notice from the First Lord of the Treasury to get their papers ready to lay before Parliament. The Government saw its opportunity in the conquests and the misfortunes of Leadenhall Street. Now or never was the time to make the Company pay well for a new Charter.

CHAPTER XXXI

CLIVE'S DEFENCE

"When I entered the Nabob's treasury at Moorshedabad, with heaps of gold and silver to the right and left, and these crowned with jewels"—here he added an oath, and violently struck his hand on his head—"My God! Mr. Chairman, at this moment do I stand astonished at my own moderation!"—*Clive before the Select Committee*, 1772.

THE East India Judicature Bill was moved in the House of Commons by Mr. Sulivan, March 30, 1772. It was "for the Better Regulation of the Affairs of the East India Company, and of their Servants in India, and for the Administration of Justice in Bengal." It restrained the Governor and Council from engaging in trade, totally altered the Court of Judicature, and the mode of administering justice, and greatly enlarged the Company's powers of dealing with its servants. The Judges of the new Court were to be appointed by the Company.

Opposition instantly demanded an enquiry; before a new Charter is granted, we must know, said Mr. Cornwall, on what facts these new powers are asked for. This Bill never got beyond its second reading, but it occasioned a very long speech[1] from Clive, in which, while attempting to exculpate himself, he revealed a whole system of shameless plunder. It was the final cause of the enquiry. It is the best, as it is necessarily the most authoritative, evidence on British rule in India at that time.

"I stand charged," he began, "with having been the cause of the present melancholy situation of the Company's affairs in Bengal." They were in a very dangerous situation when he was sent out by a General Court, in 1764, to undertake the management of the Company's affairs. His own fortune was then already made—"happy in my family, happy in my connections, happy in everything but my health, which I lost in the Company's service." But he had obeyed the call to go to "a distant, unhealthy climate,

[1] The speeches of Clive and Johnstone are printed in the Parliamentary Debates, "from their own corrected copies."

to undertake the envious task of reformation." He was badly supported—there was a strong party who wished the Company to be saved by anyone but himself. Thirteen Directors were for him, to eleven against him. When he got out, he found his powers were "so loosely and jesuitically worded," that the Council at once contested them. "Three paths were before me." He might have thrown in his lot with the Council, and encouraged them not to execute the new covenant, which forbade the receipt of presents; "and although I had executed the covenants myself, I might have contrived to return to England with an immense fortune, infamously added to the one before honourably obtained." Or he might have "given up the commonwealth, and left Bengal without an effort to save it." But he took the third path—"I determined to do my duty to the public, although I should incur the odium of the whole settlement. I took the resolution of cleansing the Augean stable." This was what occasioned the public prints to teem with scurrility and abuse of him, ever since his return. "But it was that conduct which enables me now, when the day of judgment is come, to look my judges in the face."

He went into the several charges. First, the monopoly of cotton. He knew nothing about cotton. "Trade was not my profession. My line has been military and political. I owe all I have in the world to my having been at the head of an army; as to cotton, I know no more about it than the Pope of Rome." Then the monopoly of diamonds. The Company's servant can only remit his fortune to England in one of two ways—by paying the money into the treasury in India, and receiving bills on the Company, payable in England—or by diamonds. "By the acquisition of the Duannee, and the successful endeavours of the Select Committee, the Company's treasury was so rich, that we could not have been justified in drawing bills upon the Company (at home)." The jaghir had to be remitted. "For this purpose, and this purpose only, I sent an agent into a distant and independent country to make purchases of diamonds. The diamonds were not sent home clandestinely—they were registered, and the duties were paid, and I lost 3 per cent. on the transaction. This is all I know of a monopoly of diamonds."

The next charge was that he had debased the currency. This is a subject very much out of my sphere. I am totally unacquainted with the proportions of alloy." I can only tell you the principle on which we formed the plan of a gold currency. "Everybody knows, that silver is the only current coin in Bengal, and that gold is merely a species of merchandise." The Select Committee,

afraid "the prodigious annual drains of silver to China and other places" would soon cause a scarcity of silver in Bengal, tried to make gold circulate in coin. "We knew there must be great quantities of gold in that country." As for himself, he got not a farthing advantage, and he never sent a single rupee or gold mohur to be coined in his life.

The greater part of the speech was taken up with the next charge—of having established "a monopoly of salt, betle nut, tobacco, and other commodities, which occasioned the late famine." How could a monopoly of salt and the rest, in 1765 and 1766, cause a want of rain, and scarcity of rice in 1770? The salt monopoly was agreed to between Mr. Vansittart and Cossim Ali. The Company's servants were to trade inland, paying a duty of 9 per cent. The Directors, "alarmed at the word monopoly, seemed never to have examined, and I am sure never thoroughly comprehended, the principles and effect of it." Many years ago, the Company sent "an expensive embassy" to the Great Mogul, to obtain certain privileges—among others, that "of trading duty free." The Company never carried on any inland trade—their commerce was confined to exports and imports only. Yet their servants claimed a privilege of carrying on an inland trade, duty free. "The absurdity of a privilege so ruinous to the natives, and so prejudicial to the revenues of the country, is obvious." No such claim was set up, nor such trade carried on, "at the revolution in 1757, nor to my knowledge under my government, which ended at the beginning of 1760." The first appearance of the claim was in Governor Vansittart's time—he prevailed on the Nabob Cossim Ali to let the English carry on an inland trade in salt, paying a duty of 9 per cent.—"which in fact was no remedy to the evil, because the natives paid infinitely more." The Council disavowed Mr. Vansittart, and insisted on their right to all inland trade duty free. The Nabob, enraged, threw open the trade throughout his country, and abolished all duties, that his own subjects might trade upon an equal footing with the English. This "disobliged the Council, who insisted that the Nabob should not suffer his own subjects to trade duty free, but that the English alone should enjoy that privilege." The Directors did not "clearly" know all this till 1762, when they disapproved of these transactions in the strongest terms, and positively forbade their servants to carry on any inland trade whatever. But it was continued, with exemption from duties, except 2½ per cent. for salt, by a treaty with Mir Jaffier, after Cossim Ali was deposed.

Suddenly, in the midst of this explanation, Clive introduced the

burning question of "presents." "It is necessary, the House should know that there are but two ways by which gentlemen can acquire fortunes in Bengal—by the inland trade, and by presents." The export and import trade had been dwindling away for some years, "and was not worth the attention of the servants"—even free merchants and mariners could scarcely live by it. And now the new covenants were to prevent presents. "But we must consider a little the nature of the funds for presents." Every revolution in Bengal was attended with some diminution of the Nabob's authority, and with some advantages to the Company. Cossim Ali, when Mir Jaffier was deposed, had to make over to the Company territorial possessions to the amount of between six and seven hundred thousand pounds a year. When Mir Jaffier was reinstated, he added above sixty thousand pounds a month more—so the Company got half his revenues. He was allowed to collect the other half for himself. "But, in fact, he was no more than a banker for the Company's servants, who could draw upon him as often, and to what amount they pleased." The new covenants "were intended to prevent this mode of raising fortunes; but the Select Committee went much deeper; they struck at the root of the evil, by procuring the whole for the Company."

"It was not expedient, however, to draw the reins too tight. It was not expedient, that the Company's servants should pass from affluence to beggary"—they must have some emoluments, especially the higher servants. "The salary of a councillor is, I think, scarcely £300 per annum: and it is well known that he cannot live in that country for less than £3000"—and the same in proportion for the rest. It was necessary "that an establishment should take place, and the Select Committee thought that the trade in salt, betle nut, and tobacco might answer the purpose. The great object was to regulate this trade for the advantage of the Company and the Company's servants, without oppressing the natives." "The House will observe that I make no mention of the Nabob; because the Company, to whom the revenues now belonged, stood in his shoes; a circumstance which seems never to have been thoroughly adverted to by the Directors, even to this day."

The Company's declared intention was that its servants should benefit by this trade. Mr. Sumner took the medium price of salt throughout the country, for above twenty years past, and fixed the price at from 12 to 15 per cent. below that medium—hence it was thought no grievance could fall on the poor. A duty of 35 per cent. was put on by the Company; this amounted to about £120,000 a year, and all the Company's servants, except writers, had shares according to

their rank. "But I soon found there was some defect in this plan." It was really a monopoly. Trade was taken out of the hands of some of the merchants. There were too many of the servants, and the duty was too small. Clive therefore proposed another plan, by which the salt was to be sold at Calcutta, instead of by agents up the country, and only to "the black merchants." The duty was now put at 50 per cent., "which would produce £160,000 per annum."

In the course of this long explanation, Clive gave some very interesting facts. In Bengal, the maund of salt (80 lbs.) stood the maker in about 2s. 6d. "The duty to the Company and the advantages to the servants" came to as much again—100 per cent. on the whole. "Salt in England," I am told, "stands the maker in about 8d. per bushel (56 lbs.), and the duty is 3s. 4d. per bushel, or 500 per cent." In London, salt is sold at 5s. the bushel—something less than a penny a pound. The whole quantity of salt contracted for was 24 lacs of maunds, or 192 millions of pounds. Mr. Sulivan had computed the inhabitants of Bengal at 15 millions. "I strike off 5 millions for infants and accidents. Then divide the 192 millions of pounds by the other 10 millions of inhabitants, and we shall find the quantity of salt consumed in one year, by the rich and by the poor, will be under 20 lbs." It is certain the poor do not consume half the quantity. These 20 lbs. will cost the individual at Calcutta rather less than 1s. 3d.; and at Patna, the greatest distance, rather less than 2s. 6d. The lowest wages in Bengal are 2 rupees a month, or £3 per annum. "The poor man can scarcely be said to be at any other expence than for eating." He drinks nothing but water, he wears no clothes, his house is mud or clay, thatched with straw. Can 1s. 3d. to 2s. 6d. a year for salt be a grievance to him? "The eyes of the world have been blinded by publications"—the truth being that a number of "black merchants," who used to live by this trade, were the only people who had a grievance; for the Company's servants not only monopolised the salt, but "by virtue of their power and influence, not only bought it at what price they pleased, but sold it at what price they pleased."

Every now and then he lets fall the most damaging admissions—as when he says, in praising his reforms, that a governor will still be able to acquire "a handsome independency," though he will not be able to "amass a fortune of a million or half a million, in the space of two or three years"; and again, "If stability can be assumed in such a government as this, where riches have been acquired in abundance, in a small space of time, by all ways and means, and

by men with or without capacities," it can only be by forbidding the governor to trade.

He showed his accounts from the day of his leaving England. "The balance against me is £5816." He told how Mir Jaffier loved him so, that on his deathbed, in the presence of his wife and his minister, he desired his son to give Clive 5 lacs of rupees (£70,000) as a legacy. A great lawyer "now the Speaker of this Honourable House," gave his opinion that Clive had a right to this legacy; another great lawyer, a member of this House, said the same privately; the Court of Directors confirmed the right. But Clive gave the whole, and about £40,000 more, "which I prevailed on the Nabob to bestow," for a military fund, to benefit officers and soldiers invalided in India, and their widows.

When he made as if to stop, and the House cried, "Go on," he returned to the question of presents. He described the Bengalese. They were always under an absolute despotism. "In inferior stations, they are servile, mean, submissive, and humble. In superior stations, they are luxurious, effeminate, tyrannical, treacherous, venal, cruel." From time immemorial, an inferior has never come into the presence of a superior without a present. The Nabob told him that the small presents he received amounted to £300,000 a year, "and I can believe him, because I know that I might have received as much during my last government." "Even before we took part in the country troubles," governors and others received presents. There is not an officer in his Majesty's fleet or army, not a governor, not a member of Council, nor any other person civil or military, who has not. "With regard to Bengal, there they flow in abundance indeed." Let the House imagine a country with 15 millions of inhabitants, a revenue of 4 millions sterling, and trade in proportion. "By progressive steps, the Company have become sovereigns of that empire." Can it be supposed their servants will not expect to get something out of it? But the Company's servants have not been the authors of these acts of violence of which it is the fashion to accuse them—the natives of the country committed them, acting as their agents, "and for the most part without their knowledge. These agents never desist till, according to the ministerial phrase, they have dragged their masters into the kennel; and then the acts of violence begin. *The passion for gain is as strong as the passion for love.*" Then he showed how "the banyan (the native secretary) lays his bags of silver before the Company's servant to-day; gold to-morrow; jewels the next day; and if these fail, he then tempts him in the way of his profession, which is trade. He assures him goods may be had

cheap, and sold to great advantage up the country." The Company's servant cannot fly—so he yields. "In short, flesh and blood cannot bear it." Consider the education of a young man who goes out to India—every man's great object is to get his son a writership in Bengal—usually at the age of 16. His relations tell him how sure he is to make a fortune—"my lord such-a-one, and my lord such-a-one, acquired so much money in such a time; and Mr. such-a-one, and Mr. such-a-one, so much in such a time." Thus their principles are corrupted at their very setting out; and as a good many go out together, they inflame each other's expectations to such a degree, that in the course of the voyage they have settled when they can return.

Then he drew a marvellous picture of these writers—as one of whom he himself began his career.

Let us take a view of one of these writers, arrived in Bengal, and not worth a groat. As soon as he lands, a banyan, worth perhaps £100,000, desires to have the honour of serving this young gentleman, at 4s. 6d. a month. The Company has provided chambers—they are not good enough—the banyan finds better. The young man takes a walk about the town; he sees other writers, only a year out, in splendid apartments, or with houses of their own, riding fine prancing Arabian horses, going in palanquins and chaises; they keep seraglios, give entertainments, and treat with champagne and claret. The banyan tells him he may soon be as well off as they. He lends him money—then the young man is at his mercy. The advantages of the banyan are those of the master—who in acquiring one fortune generally spends three. But this is not the worst—he is in a state of dependence on the banyan, who commits acts of violence and oppression for his own interest, under the pretended sanction of the Company's servant. Hence arises the clamour against English gentlemen in India.

"I will now pass to other matter: matter as important as ever came before the House. India yields at present a clear produce to the public and to individuals, of between two and three millions sterling per annum. If this object should be lost, what can administration substitute in the stead of it?" I tremble when I think of the risk we lately ran—and the French have only suspended their views, not given them up. If France gets our possessions, she will soon add to them all the rest of the East Indies; the empire of the sea will follow, she will gain universal monarchy.

But danger abroad being for the present suspended, let us think of the danger at home. Our affairs in Bengal are in a very deplorable condition; the nation cannot receive their £400,000, or the

proprietors their £200,000 increase of dividend much longer unless something is done. These great sums depend on the Company's revenues, and the Company's revenues depend on the Company's or the public's trade. There are no mines of gold or silver in Bengal—all must come through trade. On the civil and military expenses depends whether we shall have any surplus revenue—if they swell too high, you cannot receive anything. The revenue depends in some degree, and the happiness and prosperity of the people depends wholly, on the inland trade. Indeed, the true cause of the distress in Bengal is that the Company's servants and their agents have taken the whole of that trade into their own hands—they have traded not only as merchants, but as sovereigns; and by grasping at the whole of the inland trade, have taken the bread out of the mouths of thousands and thousands of merchants, who are now reduced to beggary.

He showed the accounts of the prime costs of the Company's investments from Bengal, for seven years preceding the acquisition of the "Duannee"; the gross collections had not decreased considerably till 1770—which was the year of the famine; but the civil and military expenses had been gradually increasing "ever since I left Bengal, in the beginning of 1767. And here lies the danger. The evil is not so much in the revenues falling short as in the expences increasing." The best thing is to reduce these charges. Why should we try to increase the revenues? They are of no use unless we can invest them; and to raise them beyond a certain point is to distress the country, and ruin numbers who have from time immemorial derived their subsistence from them. The increase is due to the fact that before the Company had the duannee, their agents had other ways of making fortunes—they had presents. These are at an end. They had to find some other channel—so they increased the civil and military charges. "Every man now, who is permitted to make a bill, makes a fortune." It is not the simple pay of officers and men—it is the contingent bills of contractors, commissaries, engineers, etc. "These intolerable expences have alarmed the Directors, and persuaded them to come to Parliament for assistance." Soon they will go to Administration, and tell them they cannot pay the £400,000, and must lower their dividend.

"I attribute our situation to four causes—relaxation of government in my successors; great neglect on the part of Administration; notorious misconduct on the part of the Directors; and the violent and outrageous proceedings of the General Courts, in which I include contested elections."[1]

[1] In Leadenhall Street.

As for Mr. Verelst, who succeeded me, so far from wanting humanity, as Mr. Bolts asserts, he had too much. "Humanity has been his ruin"—if he had had less, it would have been better for the nation, the Company, the natives, and himself. He was too lenient—if he had followed my example and advice, he might have kept off the evil day. But he could not have done much against the mischiefs done by the Directors themselves, when they took away the powers of the Select Committee.

The Company have acquired an empire more extensive than any kingdom in Europe, except France and Russia. It might have been supposed Administration would have given it some attention. They treated it as a South Sea Bubble; "they thought of nothing but the present time; they said, Let us get what we can to-day, let to-morrow take care of itself;" they thought of nothing but the immediate division of the loaves and fishes. They even instigated a parcel of temporary proprietors to bully the Directors into their own terms.

As for the Directors—one would have thought that they would have supported the Select Committee, which had restored tranquillity to Bengal, brought good order out of anarchy, made peace with Surajah Dowla—so obtaining £600,000 for the Company—got the duannee of Bengal, Bahar, and Orissa—which gave the Company a net income of £1,300,000; paid off most of the bond debt in Bengal—near £900,000—and so enabled the Company to assist Government with £400,000 a year, and increase their dividend by £200,000. But they dropped the prosecutions against those gentlemen in Bengal, whom the Committee had censured. "Thus they gave a stab to their own vitals." Their servants in India were anxiously waiting to know whether they were to be punished. The lenity or weakness of the Directors removed their doubts. From that instant all covenants were forgotten, and that relaxation of government began, which is still so much to be dreaded. Next they destroyed the powers of that Committee they had so highly approved. They divided the powers between the Council and the Committee; so both have been distracted with altercations and disputes for power. As if this was not enough, they restored almost every civil and military transgressor, who had been dismissed—they even rewarded some of them. And now they come to Parliament, with a Bill of Regulations, one clause of which is to put such practices out of their power in future.

"With regard to General Courts; I believe I need not dwell long on the consequence of them." Their violent proceedings were

subversive of the authority of the Court of Directors. The agents abroad knew this, so they never scrupled to set the orders of the Directors at defiance, and they have escaped punishment "by means of the over-awing interests of individuals at General Courts." Now, the first half of the year is employed by the Directors in freeing themselves from the obligations incurred by their last elections; and the second half is wasted in incurring new obligations, to secure their next election. And they send out orders so fluctuating and contradictory, that their servants—who generally understand the interest of the Company much better than the Directors—have to follow their own opinion.

"I have opened my budget: it is not a ministerial budget: it is an East India budget; which contains many precious stones—diamonds, rubies, of the first water and magnitude; and there wants only a skilful jeweller to polish them and ascertain their real value."[1]

With this broad hint, Clive ceased. His speech had produced a great impression, but Governor Johnstone made short work of his defence. He had seen the charges, and Clive's answers had rather confirmed than lessened his idea of his guilt. In the first place, Clive had not even got the heads of the charges correctly—he was never accused of the cotton monopoly—the Council did that! And the diamonds were made an illustration, not a charge. As to the salt tax, he has "pretended to amuse you with calculations of the most cruel and fallacious kind, stating how much he extracted from each individual on the article of salt," and not mentioning the other commodities. He shows you how fit these poor creatures are to be squeezed in his engines of oppression. Who does not know that every species of extortion can be vindicated by such arguments? It is not only the difference of taxation in "free and arbitrary countries, it is the wicked principle of such regulations, contrary to the law of nature, that destroys human industry, checks incitements to labour, and produces famine and all other evil consequences that have followed in Bengal." The charge did not say the monopolising of salt, betle nut, and tobacco had produced the late famine—but the monopoly of these things, and "OF OTHER COMMODITIES." He owns that thousands and thousands of merchants were set adrift —is not that enough to convulse any state to its centre? The highest salt duty ever collected in Bengal was £72,000 a year—

[1] Lord Clive had urged that he had had opportunities of making the vastest fortune that could have been acquired since the fall of the Roman republic.—WALPOLE, i. 206.

the general medium was £40,000. The orders he complains of "were all wrote by one whom he always treated as his most intimate friend, and signed by others whom I cannot call his friends, indeed, but his most servile tools in office." Yet he disobeyed them! He owns he took presents, but says he gave them away to his friends—£13,000 to a Mr. Maskelyne—a relation, and once his fellow-writer—£15,000 to Mr. Strachey ("whose merit is acknowledged by all")—£12,000 to Mr. Ingham, £2000 to Mr. Philpot, his footman—and yet he says he has not broken his covenant!

Then the fraudulent coinage. He pleads ignorance—do not all men know that purity of coin is a principal consideration in government? Did he not know that "the private principles of the coinage" only allowed an alloy of 8 per cent. above the current standard? In the progress of the frauds, it was coined with 30 per cent. "Will he deny, that in two years from its establishment, the once flourishing kingdom of Bengal could not exchange 100 gold mohurs at the presidency? Will he deny that the Company lost £300,000 by the project?" I must believe, after what he has said, that he left this profit also to his friends!

Johnstone said a great deal about the peculation of revenues —Clive had been charged with making £300,000 out of this. "His lordship has introduced his reasons for this appropriation by a long-winded minute, with a catalogue of all the virtues which ought to adorn an East India governor." A man of sense would know that something iniquitous was to follow—"I might as well quote the Cadi, or Judge's commission, to prove that oppressions have never prevailed in Hindostan!" Johnstone openly expressed his doubts about the legacy. Mir Jaffier died four months before Clive arrived at Calcutta the last time. Several months more elapsed before any man heard a word of the Will—at length, Nuncomar, the late minister, was imprisoned, "and soon after he was delivered of this wonderful secret." I have examined this matter in another place much more exactly than I can do here, and am satisfied the artful minister imposed upon his lordship. Johnstone charged Clive with having destroyed all government, and established "a system of uncontrolled fraud and rapine." And he has taken the credit for other men's conquests—it was not he who added Bengal, Bahar, and Orissa to the British Empire. Johnstone concluded by demanding "an enquiry into the affairs of the British Empire in Asia."

On the 13th of April, on the motion of Colonel Burgoyne, the

motion for a Select Committee of thirty-one members was carried without a division.[1]

[1] The members were Colonel Burgoyne, Sir W. Meredith, Sir G. Savile, Lord George Germaine, Mr. Rose Fuller, Mr. F. Vane, Colonel Barré, Mr. Solicitor-General, Lord Howe, Mr. R. Sutton, Mr. Attorney-General, Mr. Thomas Pitt, Mr. Wellbore Ellis, Sir Gilbert Elliott, Mr. G. Rice, Mr. Pulteney, Mr. Charles James Fox, Mr. Cornwall, Lord Folkestone, General Conway, Mr. Hotham, Mr. H. Ongley, Mr. G. Johnstone, Mr. Alderman Trecothick, Mr. Edward Bacon, Mr. A. Curzon, Sir John Turner, Captain Phipps, Mr. Gregory, Lord Clive, and Mr. Strachey.

CHAPTER XXXII

THE SELECT COMMITTEE

"However impolitic, it would be an honest wish that it had never been in our power to use the words, 'our Indian empire.'"—*Dr. Burrell on the Address*, Nov. 26, 1772.

"When the state of the season made it apparent that the crop of rice would be generally defective, the English capitalists became eager purchasers. . . . A traffic of unexampled iniquity now began . . . the cities were thronged with starving multitudes . . . thousands died daily in the streets. Thus . . . was an unmerited reproach entailed on the British name. . . . Such was the intermixture of their revenues with the public finance, that the Company's ruin was regarded as portending downfall to the whole edifice of the British Empire."—Adolphus, *Hist. of Eng'and*, i. 529–30.

"We now talk of the British *Empire*, and of Titus and Trajan, who were absolute emperors. In my time, it was the British *monarchy*."—HORACE WALPOLE.

SIR GEORGE SAVILE refused to serve on the Select Committee, "being against the whole system of India affairs. He looked on their trade as destructive, either from bringing in too great an increase of money, which would overturn the liberty of this country, or from many of the importations, tea especially, being destructive of the healths of the people of England." He also protested against territorial acquisitions, as "public robberies in the name of the kingdom," and should look on himself as an accomplice if he abetted these transactions in any way.

The Committee came at once to the dark affair of the deposition of Surajah Dowla—the lac of rupees given by Mir Jaffier to each member of Council, the two lacs or more to each of the Select Committee, the sixteen lacs to Clive himself, the two treaties, the "fictitious" and the "binding," and the Thirteenth Article of the "binding" treaty, suppressed by Vansittart, because the Company must not know it was pledged to stand by Mir Jaffier against all who should contest his right. It was on the faith of this Article that Mir Jaffier agreed to all the rest. This was the only Article which bound the English to anything—the other twelve only bound Mir Jaffier![1] The Directors only learned the

[1] Article XIII was the only one written in English. The others were in Persian.

existence of this secret Article from the Dutch East India Company, who wrote to them complaining of the unwarrantable conduct of their servants in India.

Clive acknowledged writing to the Directors on December 15 1762, that, to the best of his knowledge, there was no such Article. He now hinted pretty plainly that when he entered Moorshedabad at the head of his victorious army, he could have possessed himself of the whole of Surajah Dowla's treasure. "*On that day, being under no kind of restraint but that of my own conscience, I might have become too rich for a subject.*" He did not say how much he took, but he protested that, since then, he had not benefited himself one single shilling—the jaghir only excepted. "*I have been placed in great and eminent stations, surrounded with temptations; the civil and military power were united in me, a circumstance which has never happened to any other man;* the Committee will therefore judge whether I have been moderate or immoderate in the pursuit of riches."

To add to the embarrassment of the Directors, towards the end of April, news came that the *Aurora*, with Vansittart and the other Supervisors on board, had never been heard of since she left the Cape of Good Hope on the 27th of December last. By another month, it appeared certain she was lost.[1] At once the Company began to consider the sending out new Supervisors—it must account for being unable to pay the £400,000 to Government; the blame must be thrown on somebody, and the Company's servants in India were the obvious scapegoats. Then, in May,

[1] "May 31, 1771.—The *Aurora* frigate is supposed to have been lost or foundered in the Gulph of Sofala, or Channel of Mozambique . . . a channel dangerous at all seasons, even to those who are acquainted with it, on account of the shoals . . . Mr. Vansittart, it is said, was so averse to this navigation, that if an outward-bound East Indiaman had been at the Cape, he would have quitted the *Aurora*. One of his sons accompanied him in this fatal voyage."—*Gentleman's Magazine*, 1773, 237.

There were many reports—one, on July 1, that the ship was taken in the eastern seas by a Dutch man-of-war. The crew had mutinied, killed the Captain and officers, and "commenced pirates." Had made themselves immensely rich by plundering the Spaniards, but mistook the Dutchman for a merchant ship, and were secured. It appears that the crew really were much dissatisfied before they sailed, and that a boy who was going with Vansittart ran away, because he did not like the look of things. The passengers of the *Lord Camden*, Indiaman, told the pirate story, but her Captain knew nothing of it, and it was much doubted. On Nov. 19, "A black who said he was one of five persons saved from the shipwreck of the *Aurora*," was examined before the Directors, and said that the frigate was cast away "on a reef of rocks off Mocoa"; that he was two years on a desert island, before he was taken off by a ship. "It is believed that he went out in the *Aurora*, but that he had quitted her at the Cape."

came news that the Company was again at war. This time, it was the "King" of Tanjore. The pretext was that the French meant to get hold of that kingdom on a dormant claim for an old debt; but some said the Council of Calcutta, seeing their power threatened, wanted to get hold of the spoils of Tanjore before the new Charter could come into operation.

Public uneasiness was increased by the failure of the great house of Neal, James, Fordyce, & Downs, in June. It was the greatest blow for fifty years to trade and credit. It seemed at first that every bank in London would go. Sir Richard Glynn broke, and Sir George Colebrooke (now Chairman of the East India Company) was only saved by the Bank of England issuing notes to meet the run on him. The news reached Edinburgh in forty-three hours—a space of time scarcely credible. The great Bank of Ayr had £300,000 of paper out in London alone. Colebrooke was one great cause of the calamity, and if he had gone, it would have spread to Holland. Fordyce's speculations, which started the crash, began with "a great stroke" in India stock, in 1765.

All this while, the Company was like a man who, having stumbled in running, tries to save himself by running faster. Ever since 1769, it had been raising its dividend, till now it had stood for eighteen months at 12½. But an end came. On the 8th of July, the cashier perceived that the Directors had no cash, and told Sulivan.

Something must be done. The Company would need £2,247,000 during the next three months, and could only look to receive £954,200—a deficiency of a million and a quarter. On the 15th, the Directors borrowed £400,000 of the Bank for two months; on the 29th, they asked for £300,000 more. The Bank would only lend £200,000. So on August 10, "the Chairman and Deputy" (Colebrooke and Sulivan) waited on Lord North, and told him they must have a million. North "heard them dryly," and told them they must go to Parliament. At last the dreaded moment had come. To go to Parliament was the first step to a new Charter.

On September 27, 1772, at a great meeting of Proprietors in Leadenhall Street, Sir George in the Chair told an angry assembly that, owing to unforeseen circumstances, it was desirable to postpone settling the next half-year's dividend till Christmas—the reasons being the extraordinary drafts made on the Company from Bengal, and the indemnity on teas. Mr. Creighton asked where the wonder would cease? One while we are told the Company is so flourishing that it can pay a dividend of 5¼ per cent. for the half-year, and then, that the Company is in such straits, it can pay no dividend at all. "How can twenty-four great merchants be so far out in

their calculations?" He suggested that the Directors ought to be dismissed, and moved for a Committee of Proprietors to enquire into the Company's affairs. Colebrooke said he should have it at once. In the first place, he was not in the Direction when the high dividend was planned—he really did not know, till he came to the Chair, that the treasury was not equal to the demands. It was owing to their servants in Bengal drawing so much more than was expected. Then the indemnity on teas, and the sum due to Government, "all coming down on them together." By Christmas, a great part of the goods now in warehouse would be sold—then they could do justice to their proprietors. Creighton asked indignantly how Sir George, a merchant, a man of immense fortune, whose trade was money, had not foreseen this? Was he not afraid of the spectres of the widow and the fatherless? The unfortunate Fordyce well saw the fate of East India stock—if he could have held out, he would now be one of the richest subjects in these kingdoms. General Smith urged the Directors not to borrow of Government. Borrow of us! He would begin by lending them £50,000 next morning. "Mr. Impey"—a sinister name—also came to their aid; so did Mr. Dempster, who "smiled at the distresses of the Company"—there's only a little temporary scarcity of cash. When our ships come in, you will all be one million sterling more in pocket than last year.

Meantime some rather bad news seems to have been received from Tanjore—at the end of October, we are told, "it should seem that the natives begin to be acquainted with the advantages of military discipline."

The *Gentleman's Magazine* for December, 1772, contains a "Plan for relieving the East India Company from the present temporary Distress, in Point of Cash, from their own Resources, without having Recourse to Government, for any Loan whatever." The plan is, to turn into money the 18 million pounds of unsold tea, which will remain in their warehouses, after the sales of 1774, "besides about 6 millions, sold, but uncleared." Already, they have 17 millions unsold; and thirteen ships will bring over 8 millions more in 1773. The writer explains that when the Company acquired the revenues of Bengal, they had to do something with their money—or, as he expresses it, to increase their investments in India. They could not use it for the purchase of the textile manufactures of Bengal, because, to encourage our own manufactures, "we prohibit the wear of all foreign printed, painted, and stained goods." So "they naturally turned their thoughts to Tea," and procured the Act of Parliament, taking off 1s. per pound on

black and singlo teas, for five years, undertaking to indemnify the revenue for anything it lost by the bargain. And expecting the lowered price would bring increased consumption, they enlarged their sales. The Company, however, have had to pay very large sums on the indemnity—in fact, they are losing at the rate of £285,000 per annum, all told, including warehouse rent and expenses. They must either cease to buy, or find a "foreign vent" for their superfluous stock of teas on hand. They ought to be allowed to re-export it, free of duty. The writer tries to show the certainty of a profit, since the Company could then afford to undersell Sweden, Holland, and France. But, even if they sold at cost price, they would be so much cash in hand, to meet their engagements. As for the smuggling of tea being increased, that might be if our smugglers could not be supplied by the other East India Companies. They are so, constantly, and the smuggler makes half a crown a pound—and more on the high-priced teas. This proposal, afterwards referred to as "Mr. Herries' scheme," makes no mention of America as a market for the surplus; but early in January, 1773, a General Court recommended the Directors to obtain an Act "for them to export their surplus teas to foreign markets, clear of all drawbacks and duties, *as well as to take off the threepence in the pound duty in America.*" The application was made to Lord North, but he refused. There were only two discordant notes in the King's Speech of November 26, 1772, but these two were on weighty matters —the bad harvest, and consequent dearness of corn; and the East India Company. The Hon. Mr. FitzPatrick (Charles Fox's great friend), who moved the Address in the Commons, said the Company was in the most alarming and dangerous situation—Parliament must interpose at once. The dividend has fallen to 6 per cent., and it will be an act of the highest fraud if the Directors divide a single shilling. Here the speaker digressed into expressions of thankfulness that the country was out of the European war between Russia and Turkey, and on the various advantages of a ten years' peace, and the happy prospect of its long continuance.

Dr. Burrell, who seconded, came at once to the Company. Every member must tremble at entering on the discussion, yet entered on it must be. "A more important charge was never offered to your care. Whether a Charter, even supposing it unbroken, is so sacred a thing, that the State must fall rather than infringe it, is a question I will not suppose you will ever be called upon to decide on. But we may ask how territorial revenues, nearly equal to our annual income, have been squandered? Was it folly or misfortune, indiscretion or crime? This is no trifling question, whether men of

this or that description shall ascend the throne of Leadenhall Street. It is the stake of Empire; and on the issue, perhaps, will be determined, whether Great Britain is to be the first nation in the world, or a ruined and undone country." Then he uttered some most solemn words, which must have resounded in the ears of all those who were afterwards members of the Secret Committee. "Great and powerful was Spain, before she waded through blood to the sovereignty of Mexico and Peru. Happy perhaps had it been, and I am sure more honourable, if the military achievements of Britain had never stained the archives of Delhi. If report has not exceeded the bounds of truth, the Company would have been in no worse situation, if the wealth of Bengal had never been wrung from the hands of its innocent possessors."

That same day, Lord North moved for a Committee of Secrecy. Mr. Hussey said Ministers always tried to conceal matters. He did not charge them with "any sinister views of stock-jobbing," but they were seldom averse to it, and their opportunities of early intelligence made it to them "a lucrative trade." Lord North must know all the Company's secrets already—he won't need thirteen friends to teach him how to speculate in the Alley. One of the greatest services he can render this country is to stop "that destructive gaming in the funds which has lately shook the trading interest." It is hard to say where it will end.

North replied that great complaints had been made of the disclosure of the Company's secrets last session. Burgoyne—now General—defended the late Select Committee. He intended to move its revival. "It is universally allowed, and clearly proved, that the East India Company is rotten to the core. All is equally unsound, you cannot lay your finger on a single healthy spot!" All laws, human and divine, have been trampled under foot. "It seems strange to pass over the enormities of the East, and institute a minute enquiry into the petty larcenies of Leadenhall Street."

The motion for a Secret Committee, and that for the revival of the Select Committee, were both carried.

Then came the Bill to Restrain the Company from appointing new Supervisors. The Company was distressed for cash, yet proposed this expensive Commission, "which they say will be paid out of the savings of Mahomed Resim Aly Cawm." Mr. Dempster said the very idea of a Secret Committee was unconstitutional. The Company is in a deficiency of cash, but not in a ruinous condition. The abuses in India, and particularly in Bengal, make it necessary to appoint a set of independent gentlemen—we have found six, and though the expense has been calculated at £120,000, we may save

millions by it. Sulivan said the Directors had already suspended the departure of the Supervisors, but Wedderburn replied that was not enough—if a General Court ordered them to sail, they might be "many leagues at sea before we can possibly meet." So the Restraining Bill ought to be passed at once. Governor Johnstone, the great enemy of the Directors, yet opposed this Bill as unconstitutional. One of his statements may be quoted. He said that Mr. Vansittart had confessed to him, "with his usual candour, that all that pretended parade which is generally given out as a reason for vindicating such a waste of the Company's money, was quite unnecessary."

The Company's counsel, Impey and Adair, were heard at Bar. The admissions made on this occasion on behalf of the Company are significant. It was admitted "that many abuses prevail in India; that those in Bengal exceeded those in Bombay, and those in Bombay those at Fort St. George; that if the army in Bengal were put upon the same footing as that at Fort St. George, the saving would exceed half a million; that even the army at Fort St. George was more expensive than it ought to be. That in Bengal, 171 civil servants cost the Company £265,000 annually; that at Bombay, 96 civil servants cost £124,000 annually, but at Fort St. George 114 cost only £50,000." That the "arbitrary tax called *Matoot*, under colour of repairing bridges, ways, etc., had been diverted by the Select Committee[1] to their own private use, and was increased if the harvest was plentiful, so that in one district it equalled the whole annual rent of the farmers; that this enormity was for five years concealed from the Directors"; and that when compelled by a "refractory member" of Council to let it appear in the minutes, it was excused by saying, "that it would appear insufferable to the Direction, however necessary it might be in the eyes of the natives," "those miserable wretches, out of whose bowels it was iniquitously wrung." That Mr. Sykes of the Select Committee, "touched of this Matoot 24,000 rupees for his table, 18,000 for his dresses, and 18,000 for other expenses; and that this tax, when mentioned on the Company's books, was wrote off, 'To Profit and Loss'—that is a total loss." That the "Salt Society" now owed the Company half a million, for monopolising salt, betle nut, and tobacco, against the Company's express directions. That for the last three years "the net receipts at Bengal had exceeded the disbursements by £1,592,644, which had not been accounted for by the Governor and Council." With a long list of other instances in which the Company had been fleeced of the

[1] This is, of course, the Select Committee of 1765, sitting at Calcutta.

spoils of which itself had fleeced the unhappy natives of India. Well might the Directors plead that Supervisors, if honest, might "save millions."

After excusing the Company's embarrassments by making these terrible charges against the Company's servants, Impey and Adair went on to complain that "the scheme of the indemnity on tea" had cost the Company "between payments to Government and losses on shipping, and other articles, not much less than a million sterling; that "the Salt Society had lent the Company money at compound interest; and that till 1765," that is, till the Select Committee of Lord Clive had the direction of affairs, "the civil and military expenses of the Company in Bengal had never exceeded £700,000"; in 1766 they amounted to £900,000, until in 1771 they had swelled to the enormous sum of £1,800,000 sterling.

Witnesses were called to the Bar, "and proved everything alleged by the Counsel."[1]

In the Debate, the Company members tried to frighten the Government out of meddling. If the Company's interest and credit sink, the nation may sink with them. But the supporters of the Bill retorted that the Company could not be trusted to redress these grievances—it had already tried, and had only made confusion worse confounded. "Unlimited power will for ever debauch the best of men," said Mr. Crawford. Sykes and Lord Clive were in their places, and heard all this. Sykes made no reply; Clive made a brief evasive speech, which if it had any meaning, meant that the Supervisors could not do any good, if they tried, and probably would be afraid to try. Dempster made a miserable defence. The Directors did not know—the Directors sent out "most positive orders." "Nothing that could be done by men in Leadenhall Street" had been omitted. The Salt Society has been told it must refund or be prosecuted. Why is the Company treated as a criminal? The territorial revenues have not enriched them a single sixpence—they have not embezzled these revenues, they have only divided the profits of their increased trade. The territorial fund has been exhausted by Government, by the Company's servants, "and by a noble lord, who, not to say a word of his friends, has reaped more of that harvest than the Company."

It was not till then that Clive made his great speech.

[1] The witnesses were, "Mr. Wilkes, keeper of the Company's records; Mr. Hoole, auditor of Indian accounts; and Mr. Tookey, who takes care of their custom-house accounts."—*Parliamentary Debates, XVII,* 657.

Burke declaimed passionately against the Bill, hinting that Government only wanted to seize the territorial revenues for themselves. It was in the course of this speech that Burke uttered the memorable words, "Unconstitutional acts, founded on unconstitutional motives, spring from unconstitutional acts founded on constitutional motives."

North denied that he had plundered the Company; "and since their affairs have turned out in so wretched a manner, I am of opinion that the two millions is much better employed in this country than in India, to build walls round their camps, with locks and keys to keep the men from deserting." Sykes rose at last. He was concerned to find his honour attacked. The Matoot was agreeable to the form of government established by Lord Clive and the Select Committee.

At the Bar of the Lords, on December 3, Mr. Tookey swore that the Company's servants had drawn, in excess of their orders, £1,063,067, 1s. 2d., for the year 1771, and that the Company had paid to Government on the indemnity on tea near £281,000, and now owe for the same £202,000 more, and have lost £300,000 on the price of tea. That since their agreement with Government, they have paid into the Treasury £1,800,000, and still owe £200,000 since September; "and another £200,000 will fall due the 25th of this instant December." With many other figures, showing how much better off the Company was before it possessed the "duana" of Bengal.

The Restraining Bill passed by very large majorities in both Houses.

All through this year, in Debates in Parliament, and in articles in the great Magazines, we have the "Assize of Bread." This Committee—of which Governor Pownall was Chairman—reported in favour of the loaf of Queen Anne, made of the whole flour of the wheat, without bolting. By "some defect" in Alderman Dickenson's Act of 1757, though none of this bread ("the fittest for the poor") was made, "the wheaten, that is commonly sold, is not that which is intended by law." By which ingenious arrangement, the poor suffered not only in the nutritive quality of their bread, but lost also one pound by weight in every 8 lbs. The millers seem to have been the gainers. The Committee recommend that the miller be required "to return the whole grit."

So ended the year which saw the First Partition of Poland.

CHAPTER XXXIII

THE DOUBLE VERDICT

"His lordship ironically complimented the vast extent of abilities of Lord North, in limiting the continuance of the territorial acquisitions in the Company's possessions for six years. He said he might call his lordship the lion of government, and the India Company the jackall, or lion's provider."—*Speech of Lord Clive*, May 3, 1773.

"It came out before the Secret Committee that in 1766 he had obliged the Great Mogul, his tool, to write a letter to the King, telling his Majesty that he had sent him a rich present of diamonds. 'I may write the letter,' said the Mogul, 'but you know I have no diamonds.' 'Do you write the letter,' said Clive, 'and I will find the diamonds.' He did: he plundered a Nabob. One of the diamonds was alone worth £12,000. Thurlow, a proper bloodhound to pursue such a tiger, offered to take up Lord Clive, as Attorney-General. . . . Wedderburn, the Solicitor-General, no honester than the accused or the criminal, was a warm advocate for the latter. . . . Lord North wavered."—Walpole, *Last Journals*, i. 206.

"In short, the appearance on Lord Clive's side of those flimsy and contemptible men Lord Barrington and Jenkinson, carried the tide of Court favour along with them; and the pusillanimous, uncertain, contradictory variations and indecision of Lord North, who wavered from censure to encomium,[1] who aimed at punishment and held out recompense, and who at last, almost in terms, proposed to take away his fortune, and then restore it, turned the scale. But why do I say turned the scale? . . . It had been determined before; Lord Clive had bought the Court—it was past a doubt. . . . To complete Lord Clive's triumph, and its own shame . . . after having stated that presents acquired by military influence were illegal, they acquitted and thanked the man who had confessed and gloried in the facts of which he was accused. . . . Lord North . . . wrote immediately to the King, complaining how he had been abandoned by his Majesty's creatures. His Majesty as usual soothed him with promises—and he deserved the treatment, by once again submitting to be soothed."—*Ibid.* i. 244, 245.

THE moment had come when America and Bengal should cross each other's path. The Company's teas were now become a public question. In January, 1773, a correspondent writes to the *Gentleman's Magazine* on "the present distress of the East India

[1] He said Lord Clive had virtues enough to balance his faults. (Walpole's note.)

Company." No one can be surprised at it, says the correspondent, ignoring the Directors' account of their servants' depredations. "Our Colonies sent annually to England £600,000 for the single article of tea." But when they had to choose "whether they should be slaves under that importation, or freemen importing it from a foreign market, the tea remained in the Company's warehouses, and the £600,000 went to Holland and Denmark." This has been going on for five years, and now makes three millions difference in their cash account, is the true cause of the great quantity now on hand, and has helped to the present universal stagnation of all business.

On the 7th of January, a General Court empowered Sir George Colebrooke and the Directors to obtain an Act of Parliament for exporting the surplus teas to foreign markets, "clear of all drawbacks and duties, as well as to take off the 3 per cent. duty in America."

The Company's teas were becoming nearly as pressing a question as the Company's affairs—besides the threatened ruin to the Company, there was the high price of tea in England, and the increase of smuggling. It was computed that about two million pounds of tea were *smuggled* annually into this country—"an article which by habit is now become a NECESSARY OF LIFE," says a correspondent of the *Gentleman's Magazine*.[1]

The first stage was the debate on the loan (March 9). Once more the House resolved itself into Committee, "to take into consideration the affairs of the East India Company," and their Petition for a loan of £1,500,000 for four years, at 4 per cent. North said it had been asserted that the subsidy paid by the Company to

[1] "It is found by the last year's accounts transmitted by the Commissioners, that the balance in favour of Britain is but about eighty-five pounds, after payment of salaries, etc., exclusive of the charge of a fleet to enforce the collection. Then it is observed that the India Company is so out of cash that it cannot pay the bills drawn upon it, and its other debts; and at the same time so out of credit, that the Bank does not care to assist them, whence they find themselves obliged to lower their dividends; the apprehension of which has sunk their stock from two hundred and eighty to one hundred and sixty, whereby several millions of property are annihilated . . . besides a loss to the treasury of four hundred thousand pounds per annum, which the company are not able to pay as heretofore."—*Franklin to Cushing*, London, Jan. 5, 1773.

The same letter remarks on the imprudence of "losing the American market by keeping up the duty on tea." This has thrown the trade into the hands of the Dutch, Danes, Swedes, and French, who, according to the reports of customs officers in America, "now supply by smuggling the whole continent," not with tea only, but with India goods, "amounting as is supposed in the whole to five hundred thousand pounds sterling per annum."

Government was excessive, and that therefore Government was bound to come to the Company's rescue; but the fact was, Government had lost by them—the £400,000 had by no means made up for the loss on the Customs. The Company proposed the amount—they ought to have known whether they could afford it. He complained that, after all the Committees, "we still want the necessary information; there is still much to come to light." We only know enough of the malversation abroad to see the absolute necessity for immediate interposition. A Company with a revenue of almost £4,000,000, and exporting British articles to the amount of £400,000 a year, is an object of national importance—and next September it will be deficient £1,300,425. But what to do? The Directors have borrowed too much upon bonds already. And we can't wait to find out whether they are to blame, and make them find the deficit if they are—the Company may be ruined by delay. "An instantaneous step must be taken." He proposed that the public should advance £1,400,000, and Government should forego the £400,000 from the territorial revenues till this loan should be repaid. Meanwhile, no dividend to be above 6 per cent., with other provisos of a like nature—in return for all which the Company may keep their territorial possessions for the six unexpired years of their Charter.

As might be expected, there was a furious opposition; General Courts were called, there was much mutual recrimination, and much coming and going between Leadenhall Street and Westminster. But the Ministry was strong, and the revelations of the doings in Bengal had made the Company odious. To save those territorial possessions which had been the cause of all their woes, they even agreed to the sweeping changes in their constitution. The qualification to vote in the Court of Proprietors was raised from £500 to £1000 of Stock; every holder of £3000 Stock was to have two votes; holders of £6000, three; of £10,000, four. Only six Directors were to retire every year. There was to be a GOVERNOR-GENERAL of the provinces of Bengal, Bahar, and Orissa, with a salary of £25,000 a year, and four Councillors with £8000 each. The other Presidencies were to be subordinate to Bengal, and a Supreme Court of Justice was to sit at Calcutta, with a Chief Justice at £8000 a year, and three assistant Judges at £6000 each—all these to be appointed by the Crown.

All former opposition had been as nothing to that now made. It was said the changes were subversive of the Constitution—the rights given under the Charter were treated as dust. Twelve hundred Proprietors were suddenly disfranchised—deprived of any share in the

direction of their own affairs. Moreover, by this long lease of power the Directors were placed beyond the control of their constituents, and could gratify themselves and their friends unchecked. And while the Proprietors will be helpless, the Company will be under the Minister's thumb, and forced to pay these enormous salaries to officials they do not choose, and may greatly object to.[1] The City of London, appealed to by the Company, petitioned; once more counsel were heard at the Bar; but all was in vain. On the 10th of June the East India Bill passed the Commons by more than 6 to 1; and on the 19th, after a warm debate, it was carried in the Lords by 74 to 17.

The Company was very angry with all these Committees, which dived into its most secret affairs, and with the Debates which proclaimed them as from the house-tops—for the Debates were now printed in all the great Magazines, and read by everybody. Worst of all was the Bill, which was taking away its property without its consent. The Company's embarrassments were a national danger—its discontent was a political danger, for it was strong enough to control a General Election. Something had to be done to appease its resentment, and help it to pay its debts. The obvious means was the Tea. So a Bill was brought in which virtually gave the Company the monopoly of Tea in the Colonies. The measure had much to recommend it. It might be made the means of bringing the Colonies to reason. When Charles Townshend's Revenue Act was repealed, the duty on tea was left expressly to preserve the right of taxation. The same thing was to be done again.

The Tea Bill was agreed to by the Commons, on April 27, in the same easy fashion as the Stamp Act had been agreed to nine years before. It allowed the drawback on "all teas sold at any of the East India Company's sales, or imported under licence, after the 10th of May, 1773"; and included "all the duties of customs paid upon the importation of such teas." The Commissioners of the Treasury were empowered "to grant licences to the East India Company, to export teas to the British plantations in America, or to foreign parts, provided that ten million pounds' weight of teas be left remaining in the Company's warehouses."

This exempted the Company's teas from all duties hitherto payable in England on re-exported teas, but it left the duty of threepence on the pound of tea exported to America. And there can be

[1] "Downing-street squeezed Leadenhall-street; Leadenhall-street was therefore compelled to squeeze its servants in India, who were in their turn compelled to squeeze the natives."—BURKE, March 23, 1773.

no doubt that this threepence was the final determining motive for remitting the ninepence. For, as was once more urged, if the Company's embarrassments had been Government's first concern, the duty would have been taken off "Singlo" teas, and not only off "Bohea." It was "Singlo" which was choking their warehouses. The Directors quickly saw that the Bill was not as good as it looked. They represented to Government that America took their Bohea—that sort of tea was never a burden. But considerable pressure was brought to bear. It was asserted that the resolution for allowing the drawback was agreed to by a Committee of three Directors—when there ought to have been eleven. But it was in vain that Government was entreated to let the American duty be taken off Singlo. The object was to tempt the colonist with the good tea, not with the inferior. The Directors even waited on North more than once at his own house. The last time, wearied by their importunity, he told them it was to no purpose making objections—the King would have it so. "*The King meant to try the question with America.*"[1]

Before this, one of the most extraordinary incidents in Clive's extraordinary story had taken place. On the 10th of May Burgoyne brought up the Report of the Select Committee. He said it contained accounts of crimes which it shocked human nature even to conceive of—he particularised Clive's enormous bribe to Omichund to procure the assassination of his master the Nabob. He said he looked on the deposition of Surajah Dowla, and bringing about the revolution in favour of Mir Jaffier, in 1756, as the origin of all the subsequent evils, and of the temporary distress, "if not the total destruction," of the Company. He moved three Resolutions: That all acquisitions made by a military force, or by treaty with foreign Powers, belong of right to the State; That it is illegal to appropriate them to private use; and That very great sums of money and other valuable property have been acquired in this way, in Bengal, from Princes and others, and been converted to private uses.

Clive said little, "and with arrogant haughtiness, referred to his great services, to the approbation of the King and the public, and to the insolent defence he had already made."[2]

At past ten at night it had not yet been decided what should be put to the House! Wedderburn's motion for the previous question had not been seconded, and so could not be put—"there remained none but Burgoyne's, which had not been mitigated or corrected."

[1] Letter of Sir Philip Francis, quoted in the *Chatham Correspondence*, iii. 444, note.

[2] Walpole's description of the debate, *Last Journals*.

It happened that the House was exceedingly crowded. There had been no talk of spying strangers—it would have been impolitic to exclude many "who might be proprietors of India Stock, and impolite, as many ladies were present too"—and the ladies might hold Stock, and have votes. But the heat was intolerable—"the younger men, who had gone away to dinner and returned flushed with wine," were roaring impetuously for the question.[1] And so, almost without a negative, and "in a tumultuous manner," the "Sovereignty of three Imperial vast provinces" was transferred from the Company to the Crown.

It was no sooner done than North began to waver. But the attack on Clive continued. On the 19th—after a two days' debate—Burgoyne went once more through the catalogue of Clive's crimes—the fictitious treaties, the murder of Surajah Dowla, the bribes, the treacheries, the presents. At last it was carried by 119 to 81 to hear Clive's witnesses, and the House adjourned to the 21st.

That day Burgoyne moved his terrible motion: "That it appears to this House, that Robert Lord Clive, baron of Plassey in the kingdom of Ireland, about the time of the deposing of Surajah Dowla, Nabob of Bengal, and the establishing of Mir Jaffier on the musmud, did, through the influence of the powers with which he was entrusted as member of the Select Committee, and Commander-in-Chief of the British forces, obtain and possess himself of 2 lacs of rupees as Commander-in-Chief; and a further sum of 16 lacs of rupees, or more, under the denomination of private donation; which sums, amounting together to 20 lacs and 80,000 rupees, were of the value in English money of £234,000; and that in so doing the said Robert Lord Clive abused the powers with which he was entrusted, to the evil example of the servants of the State."

There was a strange medley of attack and defence—Meredith, Thurlow, Fox, Barré, for the question; Wedderburn, Burke, Admiral Saunders, and Lord George Germaine, for Clive.

Burgoyne had given notice that if his motion was carried, he should propose one on Clive's jaghir. Ministerialists were alarmed—Clive commanded ten votes—he must not be driven to desperation. The House agreed to divide the motion, and to take first the statement of facts, ending with the words, "English money, of £234,000." At five in the morning, this portion was carried; and

[1] In a letter to Mason, of May 15, 1773, Walpole maliciously says that the House was so very hot "the young members thought it would melt their rouge and wither their nosegays."

then Burgoyne moved the last clause, containing the censure. This, too, was carried. Then the Solicitor-General moved: "That Robert Lord Clive did, at the same time, render great and meritorious services to this country." This also was carried; and so Clive was condemned and acquitted in the same breath.[1]

The 10th of May, 1773, is a memorable date. An event took place, little noted at the time, but destined to be remembered when Surajah Dowla and Mir Jaffier are forgotten, and even the services and the crimes of Clive are confused together in a dim memory of Plassey. For on that 10th of May the Tea Bill came into force.

[1] Lloyd Kenyon, the future Chief Justice, wrote to his father: "I am quite out of temper with all politics. Ten days ago I was in hopes Lord Clive and the other Nabobs would have been brought to justice for their peculations, but on Wednesday last, the House of Commons thought good to acquit him, by a large majority. The whole Rockingham party joined in his favour. Before this sample of their virtue, I had a better opinion of them than of any other party, but now my opinion of them is very much altered, and some of their leaders know it. I cannot forbear suspecting that some lacs of rupees have been employed in obtaining this victory."—Letter of May 25, 1773. *Hist. MSS. Comm.*, Kenyon Papers. A few days later, another letter gives a less improbable explanation. "The upshot of this business is to be imputed to the Rockingham party, who, for reasons best known to themselves, all in a body took part with Lord Clive, with a view, I suppose, to add him and his friends to their number. I thought much better of them before than I shall ever do again."—June 8.

". . . the person whose arguments were most serviceable to the accused was Lord George Germaine. He was allowed to have surpassed himself, and to have compressed into a few pithy manly sentences the sum of all that could possibly be said in alleviation or excuse, in justice or policy."—WALPOLE.

On November 22, 1773, Clive died by his own hand. He had long been subject to fits of melancholy.

CHAPTER XXXIV

A LULL IN THE STORM

"There is a lull at this moment. Now, then, is the time to refit your rigging, to work out the vessel from amidst these breakers, and to get her under way in her old safe course. . . . If the present season is suffered to pass away without anything being done by parliament, the settlement of the affairs of America will, perhaps, be forever impracticable. . . . When we consider this law as a measure of finance, the fact upon your table proclaims its insufficiency, for the sum returned, as its whole net produce, amounts but to £295 and a few shillings."—POWNALL.

"You may think me prolix, but it is from not desiring that the heat of a boy may throw me so much off my guard as to draw this country into another addition of 50 millions to the National Debt; we must get the Colonies into order before we engage with our neighbours."—*The King to Lord North*, Kew, Aug. 1, 1772.

FOR the first two years after the repeal of the Revenue Act it did indeed seem as though the King had triumphed. That Act had hardly been repealed three months, when non-importation was at an end. The July packet took orders to England for everything but TEA. But the Government was not satisfied—it wanted to punish, and to prevent. Never again must an insolent colony say what taxes it will and what it will not pay. So Hutchinson was ordered to hand over Castle William to the King's troops. Boston was made the rendezvous for the King's ships, instead of Halifax.[1] The Assembly was not recalled from Cambridge. The King was planning a complete subjugation of his rebellious province of Massachusetts. Hutchinson was writing to Hillsborough, making suggestions, mentioning "ringleaders" by name, and assuring his Majesty that "if the kingdom is united and resolved, I have but very little doubt we shall be as tame as lambs." He even debated the relative advantages of laying aside taxation as inexpedient, or of dealing with the people as being "in a state of revolt." He proposed to starve them into submission, by no longer allowing the New England fishermen to fish on the shores of Newfoundland.

[1] By the Order of Council of July 15, 1770, which also ordered the seizing of Castle William.

In July, 1771, the never-ending altercation between the Assembly and the Governor, on the question of removal, took on a new phase. For fifty years the Commissioners of Customs had paid the Colonial income-tax. They chose this moment to complain to the Colonial Secretary, and Hillsborough sent orders that the Governor must refuse consent to any Bill which taxed the salary of any officer paid by the King. The sum was not worth regarding—the Commissioners had been assessed at no more than was paid by persons with less income—but the Assembly, as a matter of principle, sent up the Bill with these items, and Hutchinson was compelled to reject the whole Bill.

The Assembly said that it knew of no Commissioners of his Majesty's Customs, "nor of any revenue which his Majesty had a right to establish in America"; and that the Governor, in withholding his consent from the Bill, had "effectually vacated the Charter." Fortunately, the session was just at an end; and the news from England of a great change of opinion in favour of America, and of the probable fall of the North Cabinet, brought a lull in the storm. The people were weary of strife, and would have hailed a complete reconciliation. There was also a split in the patriotic party—Hancock, a vain and unstable man, had quarrelled with Samuel Adams, and Hutchinson had hopes of tempting him over to the side of Government. Samuel Adams was in despair—the spirit of liberty seemed to have fallen asleep, and the twelve men-of-war in Boston Harbour were the visible sign of the overwhelming power of Great Britain. Otis had become hopelessly insane. There was no heart left in anyone. Yet in Georgia and South Carolina the Royal Governors had incensed the people; and in North Carolina, Tryon and his creature Fanning had by their oppressions caused an actual insurrection of the "Regulators," which had just been quenched in their blood. The people of Illinois, tired of the corruption and exactions of the military commander, were demanding a Governor whom they should appoint for themselves. Gage scouted the idea of a regular constitutional government for these backwoodsmen—"they don't deserve so much attention." And in Virginia, the legislature was trying to get rid of the slave-trade. The curse of slave labour was making itself felt, and the numbers of the negroes and coloured people were increasing so much that the province was alarmed. Thomas Jefferson was bringing in a Bill for permitting unrestricted emancipation. It was not Virginia's first attempt to abolish the slave-trade, but all her laws on the subject had been disallowed. On December 10, 1770, the King issued an instruction under his own hand, commanding the Governor of Virginia, "on

pain of the highest displeasure, to assent to no law by which the importation of slaves shall be in any respect prohibited or restricted." There was, indeed, a movement throughout the provinces for abolishing the whole accursed institution. Maryland, New Jersey, Massachusetts, New York, Pennsylvania, North Carolina, were all ready to join. Franklin was denouncing the pharisaic hypocrisy of a nation which had just refused to allow a single slave to be carried away from England to be sold abroad, and yet was rejecting the petition to put an end once for all to the traffic in human flesh.[1]

Great and manifold have been the consequences, and it is impossible that we as a nation can wash our hands of them.

For five years there had been no contested election in Massachusetts. At last, after the legislature had been compelled for between two and three years to sit at Cambridge, Hutchinson, in the summer of 1772, suddenly recalled it to Boston. And now there ensued an obstinate struggle on the whole question of the salaries of Crown officials, now paid through warrants under the King's sign-manual, drawn on a perennial fund raised by an Act of Parliament. The Assembly maintained that, while the power of the King was protected by the right of nomination, the power of the colony was protected by the exclusive right of finding the money. It was sound constitutional doctrine, and anything short of such a distribution of power was an abnegation of the Charter. The Assembly aimed especially at Hutchinson, whose salary of £1500 a year was so paid as to render him entirely independent of the people.

Hillsborough had begun his career as Colonial Secretary by granting Hutchinson £200 a year out of the new Customs. He ended it by announcing that the King, "with the entire concurrence of Lord North," had made provision for rendering the Judges also stipendaries of the Crown. Hillsborough's "firmness" had not gained him friends, even in the Cabinet. The King himself was tired of his bullying way. But he fell because he had opposed a grant to the Ohio Company of twenty-three million acres west of the Alleghanies. These were the "Lands of the Ohio," which, together with Nova Scotia, had so large a share in bringing about the Seven Years' War. Hillsborough opposed this grant, fearing that the backwoodsmen would be too independent. Dr. Franklin persuaded Camden, Gower, and others, to become shareholders, and by their influence the Board of Trade was able to persuade the Lords of

[1] He referred to the case of the negro Sommerset, whose master brought him to England, turned him adrift when he fell sick, and two years afterwards seized him as his slave.

Council to plant the new province. On this, Hillsborough resigned in a huff, and the Earl of Dartmouth became Colonial Secretary.[1]

The King thought he had gained the day, when he made Judges and Governors dependent on his good pleasure for their salaries. He had only focussed the spirit of resistance. Britain soon had some reason for calling America rebellious. Roused by the appeal of Boston, the towns of Massachusetts, assembling at town-meetings, were uttering very alarming sentiments. Marblehead—rather cool formerly—now said that it felt "unavoidable disesteem and reluctant irreverence for the British parliament"; adding that it was "a great and uncommon kind of grievance" to be compelled to carry the produce of Spain and Portugal—received in exchange for its fish—to Great Britain, and there pay duty. Further, that it "detested the name of Hillsborough." Petersham said that the late appointment of salaries, whereby Judges depended on mere will and pleasure, completed a system of bondage as wicked as was ever fabricated by man. Gorham said, "Better risk our lives and fortunes in the defence of our rights, than die piecemeal in slavery." The small new town of Woolwich did not think its answer "perfect in spelling," but sent it all the same. A little before this Dr. Joseph Warren of Plymouth had said despondently, "the towns are dead." But now there were ninety votes to one in Plymouth alone for "fighting Great Britain." By the end of December the towns were in session in town-meeting "from the Kennebec to Buzzard's Bay," and a Union of Colonies began to be talked of as a practical possibility. Cushing and Samuel Adams began to write letters in the *Boston*

[1] "Who wears a coronet and prays." Dartmouth's appointment was hailed in America as an earnest of a change of policy. He received many congratulatory letters, and a negress wrote him an ode. Unhappily, he threw himself into the policy of coercion with as little reluctance, if with less insolence, than Hillsborough himself. His conscience does not seem to have revolted either at the employment of Indians, or at the maintenance of the slave-trade. It is, however, certain that a more conciliatory feeling prevailed in England at this moment. Franklin says: "With regard to the sentiments of the people in general here concerning America, I must say that we have among them many friends and well-wishers. The dissenters are all for us, and many of the merchants and manufacturers. There seems to be even among the country gentlemen a general sense of our growing importance, a disapprobation of the harsh measures with which we have been treated, and a wish that some means may be found of perfect reconciliation. A few members of parliament in both Houses, and perhaps some in high office, have in a degree the same ideas; but none of these seem willing to be active in our favour, lest adversaries should take advantage and charge it upon them as betraying the interests of this nation."—*Letter of Dr. Franklin*, July, 1773, "possibly to the Provincial Congress." *Hist. MSS. Comm. Report XI*, App. 5 (MSS. of the Earl of Dartmouth), p. 337.

Gazette very much bolder than any which had appeared before. "The people in every town must instruct their representatives to send a remonstrance to the King, and assure him, unless their liberties are immediately restored whole and entire, they will form an independent commonwealth after the example of the Dutch provinces, *and offer a free trade to all nations.*" This was high language indeed; and at the suggestion of Samuel Adams, the towns of Massachusetts resumed a regular correspondence on the infringements of Colonial rights, and the best methods of asserting them. Hutchinson thought this scheme "such a foolish one that it must necessarily make them ridiculous."

But it was the Commissioners of the British Stamp Office who looked ridiculous, when they came to make up their accounts for America, and found that the expenses of collecting £1500 exceeded £12,000. And most of the £1500 was from Canada and the West Indies. As for the tax on tea, it had done still worse—even in Boston seven-eighths of the tea consumed was Dutch, and in the South the proportion was greater still. The whole remittance of last year on teas and wines, and other articles taxed indirectly, was hardly £85, and the ships and soldiers used in collecting it had cost "some hundred thousands," while the East India Company had lost sales to the amount of over £600,000 a year—enough to have paid the subsidy due to Government, and left a handsome balance for the dividend.

There was no end to the anti-commercial nature of our scheme. But for this miserable threepence the East India Company would have got the whole American tea-trade into their hands—their tea was considered of better quality than what was smuggled; if offered at the same price, the contraband trade—which we professed to desire to stop—would have stopped of itself. It would no longer have paid to smuggle tea, when tea was ninepence a pound cheaper than before. But the King "meant to try the question with America."

Not content with the irritation already excited, the British Government was reviving the attempt to bring offenders to England for trial. Those Rhode Islanders who burned the Government schooner *Gaspee*[1] were to be delivered to Admiral Montagu, and sent over to England for condign punishment. Thurlow had already said their crime was "worse than piracy"—yet no one had been killed in the affair. When Admiral Montagu held his court, and demanded the arrest of these men, Stephen Hopkins, sometime Governor, and now Chief Justice of Rhode Island, refused either to do it or allow it to be done.

There were now eighty towns in committee, and the Speaker of

[1] On June 9, 1772.

Massachusetts was writing to the Speaker of Virginia. The first thing the Boston Assembly did when it met in January, 1773, was to vote the salaries of the Judges. Hutchinson delayed his assent. The House sent to say that the people without doors were alarmed at the report that Judges were to be paid by the Crown. The very next day Hutchinson informed them that his Majesty had ordered the salaries to be allowed, but no warrants for payment had been issued, so he must delay his assent, lest the warrants when they come should overlay as to time. Eight days after a deputation waited upon the Governor. They were sure his Majesty would never have made this order if he had not been misinformed as to the constitution and appointment of our Judges. Did he not say on his accession that he "looked upon the independence and uprightness of the judges as essential to the impartial administration of justice"? At last, after more altercation, Hutchinson assented to the grants for last year; but when the House voted similar grants for the current year, he declined to confirm, saying he had always waited till the year had expired. He seemed determined to make the dependence of the Judges as conspicuous as possible.

A long list of grievances had been put forth, and was in print in English publications by August of 1773. It began by saying that "The spirit of governing by force a populous and wide-extended empire, is too mighty for the feeble race of party politicians," who have ruled since the commencement of the present reign. While the colonists "were suffered to enjoy the rights of Englishmen, they gloried in the English name." But now the British legislature has assumed the powers of legislation for the colonists without their consent. We are treated with less decency and regard than the Romans showed even to the provinces they had conquered—they left every province to raise the taxes in the way most easy to themselves. The new army revenue-officers—invested with powers more arbitrary than any man or body of men ought to have; the revenue thus raised applied to destroy the liberties of the people, by making their Governors and Judges independent of the people, and by quartering troops in a free city; the adjourning of Assemblies to inconvenient places of meeting; the forbidding the Council to meet, unless called by the Governor; the seizing of Castle William, the provincial fortress; the late suspension of the Assembly of New York, till they should comply with an arbitrary act of the British Parliament; the extension of the power of Admiralty Courts, whereby we lose the right of trial by jury, and can be dragged from one part of the continent to another; the restraining us from erecting slitting-mills, to manufacture our own iron—an infringe-

ment of the right God has given us to use our own skill and industry; and the unreasonable and grievous restraint on the manufacture of hats; the proposal to send us to England for trial, so that, whether condemned or acquitted, we shall be ruined by the expense; the attempt to establish an American Episcopate; and lastly, the frequent alteration of boundaries of colonies, whereby many settlers, having bought the soil of the natives, and obtained confirmation of their title from this province, have found themselves transferred without their consent to New Hampshire, and have had to get a new confirmation. And now they hear they are to be again transferred, to New York.

This last grievance was evidently felt very bitterly, and the Governor of New Hampshire was charged before the Privy Council with acting in collusion with his Council to deprive people of their lands, and changing the Judges until he found some to decide the question in his favour.

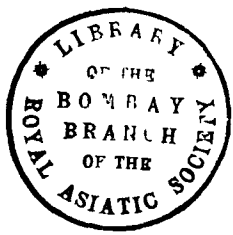
With inconceivable want of judgment, Hutchinson lost no opportunity of a wrangle with the House. Thus, in June he had refused to confirm a number of bills because the year of the King's reign was "expressed in plain English, instead of the Roman language as usual." The House said if the Governor thought this made the bills of an extraordinary nature, they would put the year in Latin—it was immaterial to them.

Meanwhile, as a result of our policy, the whole of the American revenue in each of the last two years was considerably less than that collected on molasses alone "before the new laws." "Exclusive of the great expense of the Board of Commissioners, and other appointments," it is said to amount to about £14,000 a year. Hutchinson was growing alarmed, and the more alarmed he was the more uncompromisingly he insisted on the supremacy of England. He had the folly to talk to a continent seething with discontent, about the impossibility of anything between supreme authority of Parliament and total independence. His Council replied that he supposed an unlimited power in Parliament, which can only belong to the Sovereign of the Universe. From the nature and end of government, the power of supreme authority of Parliament must be limited; and they appealed to Magna Charta, and the Petition and the Bill of Rights. But they declared that "Independence they had not in contemplation." Hutchinson, who had himself provoked this discussion, answered with legal quibbles, persistently evading the great question whether there was, or was not, any limit to the power of Parliament.[1]

[1] See Hutchinson's *History of Massachusetts*, vol. iii.

The friends of Government were talking of nothing but the revocation of Colonial charters, and Hutchinson was privately advising "the prohibition of the commerce of Boston." On the other side, each year, as the 5th of March came round, and the "martyrs" were commemorated in Faneuil Hall or the Old South, the speakers grew more uncompromising in their assertion of provincial rights.

Just about this time Mr. Commissioner Temple said the King's cause in America had been more hurt by his own servants than by all the world beside. Temple now returned to England, and presently became involved in the mysterious affair of Hutchinson's Letters.


LIBRARY
OF THE
BOMBAY
BRANCH
OF THE
ROYAL ASIATIC SOCIETY

CHAPTER XXXV

THE LETTERS

"I have been basely betrayed. A number of my letters, four it is said, which I had wrote to the late Mr. Whately, in confidence, together with a number of other letters, wrote him by my very good friend Govr. Hutchinson, have been somehow or other filched out of his Cabinet, and transmitted hither, with design to injure us . . . most people suspect Mr. Temple, but I mention his name to you in confidence. He is suspected, I say, but I know no other reason for it but because he was the late Mr. Whately's correspondent."—*Lieutenant-Governor Oliver to Robert Thompson, Esq.*, Boston, June 3, 1773. (Given in the *Diary and Letters of Thomas Hutchinson.*)

"Though I have never wrote anything criminal—yet—I have wrote—what ought not to be made public."—*Letter of Governor Hutchinson.*

"The favorite part of his discourse was levelled at your agent, who stood there the butt of his invective ribaldry for near an hour, not a single Lord adverting to the impropriety and indecency of treating a public messenger in so ignominious a manner, who was present only as the person delivering your petition. . . . If he had done a wrong, in obtaining and transmitting the letters, that was not the tribunal where he was to be accused and tried. The cause was already before the Chancellor. . . . This part of his speech was thought so good, that they have since printed it, in order to defame me everywhere . . . but the grosser parts of the abuse are omitted, appearing, I suppose, in their own eyes, too foul to be seen on paper."—*Franklin to Thomas Cushing, describing the hearing of the Petition for the recall of Governor Hutchinson, by the Lords of the Committee for Plantation Affairs*, Jan. 29, 1774.

FRANKLIN never divulged from whom he had the Letters written by Governor Hutchinson, Lieutenant-Governor Oliver, Paxton, Commissioner of Customs, and other persons in Boston, to Mr. Thomas Whately, a member of Parliament who had connections in Pennsylvania. Whately, a man of great political ability, had been an Under Secretary of State in George Grenville's Ministry, and was his intimate friend.[1] He died in June, 1772, and his papers came into the possession of his brother William, a banker in Lombard Street. A little before the death of Grenville, Franklin was one day conversing with "a gentleman of character and distinction," and

[1] He was Member for Castle Rising; also "Keeper of his Majesty's private roads, and Guide to his Royal Person in all progresses, etc."—See *Gentleman's Magazine*, June and July, 1772.

strongly condemning the sending of troops to Boston as a most dangerous step. The gentleman replied, "Not only the measure you censure, but all the other grievances you complain of, were proposed to Administration, solicited, and obtained by some of the most respectable among Americans themselves, as necessary measures for the welfare of that country." Franklin refused to believe this, whereupon the gentleman promised to bring him proof. A few days after he produced the Letters. Franklin could no longer doubt—he recognised the hands. The Letters were signed, but the name of the person addressed was not on them; and when Franklin sent them to America he did not know to whom they had been written. They were given to him as Agent for the Massachusetts House of Representatives, on purpose that he might transmit them to the Colonies. That he was not justified in doing so can only be maintained by those who are prepared to maintain that if Franklin had discovered a correspondence revealing a conspiracy to murder King George III, he would have been bound in honour to keep the secret. These Letters contained proof of a plan for destroying the liberties and institutions of a Continent. But Franklin believed that in making them known he was promoting a reconciliation, by showing that the most obnoxious measures had not originated with the British Government. As he wrote to the Committee of Correspondence at Boston, "My own resentment has by this means been exceedingly abated." And so it would have been with all in America, but for the manner in which the British Government took the affair.

Franklin had received the Letters subject to certain restrictions as to copying, etc., and they had been in America six months before they were laid before the Assembly of Massachusetts. The wonder is that such a secret was so long kept in any sense. At last (after John Adams had taken them round with him on a tour) it became impossible to prevent whispers. Hutchinson was away, settling a very old boundary dispute between New York and Massachusetts. He settled it to the advantage of Massachusetts, and flattered himself he should be received cordially on his return. He had some little uneasiness about the Letters—the whispers had reached him—but ever since the Council got hold of Governor Bernard's letters, more caution had been exercised to prevent copies being taken, and he trusted he was safe.[1]

The Assembly had not met many days, when Mr. Hancock informed the House that within forty-eight hours a discovery would be

[1] In 1766 it began to be asserted that the Stamp Act had originated in the province. They began to publish Bernard's Letters in '66 and on into '68.

made which would put the province in a happier state than it had been in for fourteen years past. The audience in the gallery, of course, told everybody. Great expectation was excited. When the time came, Samuel Adams, after desiring that the galleries might be cleared, produced the Letters, and read them to the House.

After a debate, the Assembly, by 101 to 5, voted that the tendency and design of the Letters was to subvert the Constitution of the Government, and to introduce military law into the province. Hutchinson knew not what to do. To stop the proceedings by prorogation or dissolution would be worse than letting them continue. He contented himself with sending to ask for a transcript of their proceedings, and by somewhat feebly denying that he had ever written any letter tending to subvert the Constitution—the King himself desired rather to preserve it entire. His Letters, if genuine, could be only part of a private correspondence on the Constitution of the Colonies in general. Finally, in his speeches to the Assembly he had said everything which was in the Letters. As for the sentence, "There must be an abridgement of what are called English liberties," he only meant that, in a remove from the state of nature to the most perfect state of government, there must be a great restraint of natural liberty; and that a colony, three thousand miles distant, cannot enjoy all the liberty of the parent State, "as they might have done if they had not removed"; a remark which shows at what a loss Hutchinson was for an excuse—for none could know better than the Historian of Massachusetts that a colony three thousand miles distant from the parent State is apt to take to itself as much liberty as it chooses.

It happened as Franklin had expected. As soon as these Letters were shown to the House of Representatives, resentment was withdrawn from the Mother Country, and fell, "where it was proper it should," on the heads of Hutchinson "and those caitiffs, who were the authors of the mischief." Both the Council and the House took this view. They passed a number of resolutions, one of which said that these Letters show there has been for many years a plan formed by men born and educated among us, to raise their own fortunes, and advance themselves to posts of honour and profit at the expense of the rights and liberties of the American Colonies; and that, therefore, they are justly charged with "the great corruption of morals, and all that confusion, misery, and bloodshed, which have been the natural effects of the introduction of troops"; with much more in the same strain, ending with a resolution for a Petition to his Majesty to remove his Excellency Thomas Hutchinson, Esquire, Governor, and the Honourable Andrew Oliver,

Esquire, Lieutenant-Governor, of this province, from the government thereof for ever.

As soon as it was known in England that the Letters had been divulged, everybody asked who did it? Temple was the first to be suspected. Though a Commissioner of Customs, he was known to favour the "patriot" party in America, and he was the son-in-law of Bowdoin. He also had a grudge against Hutchinson, who, as Temple wrongly supposed, got him dismissed[1] the public service as Surveyor-General of Customs for Massachusetts. William Whately was also accused. He defended himself in the *Public Advertiser*, and mentioned that Temple had asked to see Thomas' papers, in the hope of finding among them a certain paper on the Colonies which he had sent Thomas. Temple took this as a suggestion that he had used this opportunity to purloin the Letters, and demanded that William should retract. He did so in a manner which Temple considered unsatisfactory. He challenged Whately; a duel was fought,[2] and Whately was rather dangerously wounded. Franklin then wished he had spoken; and upon a rumour that Whately—who felt the accusation acutely—meant to meet Temple again, he wrote to the *Advertiser*,[3] entirely exculpating both gentlemen—"both of them are totally ignorant and innocent. . . . I alone am the person who obtained and transmitted the letters in question. —Mr. W. could not communicate them, because they were never

[1] This was not so, and Temple was very penitent when he found his mistake. He called on Hutchinson in London, in August, 1774, and expressed great regret at having fought Mr. Whately, but does not seem to have categorically denied procuring the Letters. William Whately, who was on very friendly terms with Hutchinson, told him of some circumstance—Hutchinson does not say what it was—which would, if true, exonerate Temple from having purloined the Letters from Whately's files. Franklin, in his letter, had already done so. And though he does not say that Temple could not have taken the Letters from someone else, his words, "a transaction and its circumstances of which both of them are totally ignorant and innocent," can only mean that Temple had nothing to do with the affair. Again, Franklin had said publicly that the Letters were given him by "an English member of parliament." Some, therefore, suspected "Mr. Pownall" —I presume this must mean ex-Governor Pownall, and not his brother, who held a government-secretaryship. A passage in John Adams' Memoirs only leaves the question more uncertain than ever. Mr. Adams, writing to Dr. Hosack on January 28, 1820, says, "Mr. Temple, afterwards Sir John, told me in Holland that he had communicated these letters to Dr. Franklin." But Mr. Adams adds, "Dr. Franklin declared publicly that he received them from a member of parliament, which Mr. Temple was not." See Hutchinson's *Diaries, passim*, for his interviews with Temple. They were extremely friendly.

[2] They met in Hyde Park, on December 11, 1773. Temple is described as "Lieutenant-Governor of New Hampshire."

[3] December 25, 1773.

in his possession; and, for the same reason, they could not be taken from him by Mr. T."

The whole fury of indignation was now turned on Franklin. He was accused of having stolen the Letters, and violated every principle of honour. It happened that at this very moment,[1] the Massachusetts Petition for the removal of Hutchinson and Oliver was to be heard at the Cockpit, before the Privy Council. Thirty-five lords were present, "so large a number not having been known upon any occasion." Franklin had already been served with a subpœna, at the suit of William Whately, on the charge that, the Letters having "by some means or other" come into Franklin's hands, to prevent discovery, Franklin, or some other person by his orders, had erased the address. But the petition was based on the Letters, Franklin had to present it; the opportunity was too good to be lost. There was no shred of proof, or attempt of proof, and the whole charge was false, except that Thomas Whately had delivered the Letters to some other person for perusal. Franklin was questioned on oath, but the plaintiff was not required to make his charge on oath. Franklin said on oath that the Letters were given to him, as Agent for the House of Representatives of Massachusetts Bay; when they were given to him, he did not know to whom they had been addressed, nor, till then, that such Letters existed, nor did he erase any address, nor know that any other had done so.

For nearly an hour Wedderburn, now Solicitor-General, baited Dr. Franklin, while the Lords of the Council frequently burst out in loud applauses or laughed outright. Wedderburn's "invective ribaldry" descended to the most odious personal allusion. Franklin had stolen the Letters—"they could not have come to him by fair means." He had violated the sacredness of private correspondence, he had forfeited all the respect of societies and of men. People will lock up their escritoires, and hide their papers from him. He will henceforth think he is libelled if he is called *a man of letters*—he will think they mean, *a man of three letters!* He robbed one brother, and nearly caused the murder of another—and perhaps the hanging of another party; hurt a worthy Governor, put the fate of America in suspense, and then, with the utmost insensibility, avows himself the author of all. "I can only compare it to Zanga, in Dr. Young's *Revenge*."

Franklin "stood close to the fireplace," with the Council seated at the table. His old friend, Dr. Bancroft, who stood on the opposite side, had a full view of him as he stood there, "con-

[1] January 29, 1774.

spicuously erect," in "a full-dress suit of spotted Manchester velvet." Franklin once boasted that he "could on occasion keep his countenance as immovable as if his features had been made of wood," he did so now. Dr. Priestley—smuggled in by Mr. Burke—was watching his friend, and noting that no person belonging to Council, except Lord North, behaved with a decent gravity. Next morning, these two breakfasted together, and Franklin told Priestley he had never before been so sensible of the power of a good conscience, for if he had not considered the thing for which he had been so much insulted as one of the best actions of his life, he could not have supported it. He repeated that he did not know such Letters existed, till they were brought to him, as Agent for the Colony, to be sent to his constituents. This was Saturday. On Monday morning Franklin received an intimation from the Postmaster-General that the King had no further occasion for his services as Deputy Postmaster-General in America.

Their Lordships unanimously dismissed the petition of the Assembly, as "groundless, vexatious, and scandalous."

Franklin put away the suit of spotted Manchester velvet. The next time he wore it was the day he signed the Treaty between the King of France and the United States of America.

Careful comparison of dates often throws much light on a difficulty. These Letters were first mentioned to Franklin a little *before* George Grenville's death—which took place on November 13, 1770. They were given to him only "a few days" later, so were probably given before Grenville died. They were given to Franklin in his character of Agent, that they might be shown to certain persons in America, for the exoneration of the Home Government. Thomas Whately, to whom it is acknowledged the Letters were written, died on May 26, 1772. At the time of receiving the Letters, Franklin did not know to whom they were written. He received them under certain restrictions, and this may account for the delay in forwarding them. They had been six months in America before the Massachusetts Assembly met in May, 1773. It usually met on the 15th of the month. Hutchinson says, "a few weeks before the session began, it was whispered that there were letters procured from England, written by some great men, which were proofs of a conspiracy, etc."; and on the 3rd of June, Oliver was writing that he had been betrayed. We must take it, therefore, that the Letters reached America not later than November, 1772; and this implies that they left England somewhere about six weeks earlier—probably in September. This would suggest that Whately's death made

Franklin feel free to use the Letters, if we did not know that the giver had, eighteen months before, intended them to be seen in America. That giver was a member of Parliament. The only member of Parliament conspicuously mixed up with the business is Thomas Whately himself. At any rate these dates show that the originals of the Letters were out of his possession from November, 1770. Therefore, of course, his brother William "could not communicate them."

Mr. Bancroft and Biglow with him think that the Letters were intended to produce an effect on Grenville,[1] were shown by Whately to Grenville, by Grenville to Temple, and at Grenville's death were among his papers. But this, besides other difficulties, is incompatible with the Letters being in Franklin's hands *before* Grenville's death. We may, perhaps, say with safety that the Letters were never in the hands of the executors either of George Grenville or of Thomas Whately—Franklin's possession of them effectually prevented this. Is it possible that Thomas Whately himself gave the Letters to Franklin, intending them to be shown; but that he could not make up his mind as to the proper time for showing them—probably for Hutchinson's sake; and that he restrained Franklin from time to time during the remaining eighteen months of his life—never, however, withdrawing the permission to show them some time? Mr. Bancroft suggests that Hutchinson wrote the Letters for Grenville's eye, and there is no difficulty in supposing this. But in that case Grenville must either have returned them to Whately, or handed them on till they reached the unnamed member of Parliament who gave them to Franklin. It would still be quite possible for this unnamed person to have been Thomas Whately. William's statement is at second-hand, and does not tally with a known fact. He says that Temple told him he had seen the Letters among Thomas' papers, "and would have them in a day or two." This must mean after Thomas' death; and William Whately's account of Temple's looking over the paper probably suggested the story. But how could Temple see them there when Franklin had them? Lastly, we have Franklin's assurance that Temple and William Whately were "both of them totally *ignorant* and innocent"; and Hutchinson's statement that a year after William Whately told him of some circumstance which would exonerate Temple. Whately was so incensed with Temple that he thought of fighting a second duel—it is not likely he would be over-ready to defend him to Hutchinson. We must bear in mind that the object of publication

[1] To induce him to urge coercion more definitely.

was, with both giver and receiver, to lessen the anger of the colonists with the Home Government.

NOTES.—On August 15, 1774, Dartmouth told Hutchinson that "a gentleman of very good character" had assured him that before the Letters were sent to America, Temple informed him he had seen them among Whately's papers, and would have them in a day or two; that Temple accordingly showed him a packet addressed to Dr. Franklin, and said these were the Letters referred to. Dartmouth said, either the gentleman or Temple must have spoken falsely. Hutchinson remarks, "This leaves the affair still in a strange state." A few days later, Hutchinson wrote to Dartmouth, to ask whether Temple's declaration might consist with his having only received the Letters from Franklin, and sent them back again, without having taken them himself from Whately's files—"as I wished not to be unjust."—Hutchinson's *Diary*.

In November of the same year, John Pownall told Hutchinson that Williams ("now Commissioner of Customs in America") was the man who told North he saw the Letters directed to Franklin in Temple's possession, and that it was on this information that Temple was removed. This Williams made himself very disagreeable to the other Commissioners.—*Diary*.

The Cabinet prevented Franklin's constituents of New England from paying him anything, or even reimbursing his expenses, and issued a special instruction to the Governor not to sign any warrant for that purpose on the Treasury of Massachusetts. Franklin says, "The injustice of thus depriving the people there of the use of their own money, to pay an agent acting in their defence, while the Governor, with a large salary out of the money extorted from them by act of Parliament, was enabled to pay plentifully Mauduit and Wedderburn to abuse and defame them and their agent, is so evident as to need no comment. But this they call GOVERNMENT!" (Franklin's Letter.) Franklin also says that he was surprised at William Whately's attack. He could have excused him for not thanking him for saving him a second duel—it might have looked as if he were afraid. Bnt Franklin had helped him to recover an estate in Pennsylvania, which had belonged to Whately's grandfather, a Major Thompson. One day, however, William Strahan, M.P., the King's Printer, called on Franklin, just after being at the Treasury, and showed him what he called "a pretty thing"—an order for £150 payable to Dr. Samuel Johnson, said to be one half his yearly pension, and drawn by the Secretary to the Treasury on William Whately. "I then considered him as a banker to the Treasury for the pension money, and thence as having an interested connexion with Administration, that might induce him to act by direction of others in harassing me with this suit; which gave me if possible a still meaner opinion of him than if he had done it of his own accord."—See "Franklin's own Account of the Letters," *Works*, v. p. 378, etc.

CHAPTER XXXVI

"THE BOSTON TEA-PARTY"

"I sincerely believe the destroying of the tea was the effect of despair."—*Chatham on the Bill for Regulating the Government of Massachusetts Bay*, May 27, 1774.

"When I see that all petitions and complaints of grievances are so odious to government, that even the pipe which conveys them becomes obnoxious, I am at a loss to know how peace and union are to be maintained. . . . Grievances cannot be redressed unless they are known; they cannot be known but through complaints and petitions. . . . Where complaining is a crime, hope becomes despair."—*Franklin to Thomas Cushing*, Feb. 15, 1774.

WHILE Mr. Solicitor-General was calling Dr. Franklin a common thief, an event had already taken place at Boston which changed the whole face of affairs. The people had thrown the East India Company's tea into Boston Harbour, and instead of helping the Company to pay their debts, it was tossing in the waters of the bay.

The Home Government had thought it would accomplish four great purposes at once, by leaving the threepenny duty on tea—establish a precedent for taxing America; raise a large revenue there; save the credit of the East India Company; and recover the £400,000 a year which the Company could pay if it sold its tea. The Company, however, were never sanguine—they did not like the scheme; they were, they protested, unwilling to interfere in this quarrel, and the decision to "risque it," and send the tea-ships, is said to have been carried by a majority of one Director, and that one the Chairman. Even so, the Company only agreed to send the tea on the Government undertaking they should not be losers.

As soon as ever the Americans heard the tea was coming, they resolved that it should not be landed. New York, Boston, Philadelphia, South Carolina, all resolved on this. Boston had been selected for the largest consignment. One-third of it was consigned to the Governor's sons.[1] In the night between November 1 and 2, a knock came to the door of each consignee, with a summons to

[1] "History of the Dispute with America." From the *Boston Gazette*.—ALMON, 1775.

appear without fail at Liberty Tree, next Wednesday at noon, and resign his consignment. Notices were posted up desiring the freemen of Boston and the neighbour-towns to meet as witnesses, at the same time and place. On the appointed day, a large flag was hoisted on the pole by the Tree, the bells of the Old South rang from eleven till noon. Adams, Hancock, Phillips, and the rest of the town Committee, with five hundred more "witnesses," were there. But the consignees did not appear; so after a while the assembly marched to Clarke's warehouse in King Street, where they knew the consignees were. "From whom are you a Committee?" asked Clarke. "From the whole people." "And who are the Committee?" "I am one," said Molineux. Dr. Warren read a paper, requiring the consignees to promise to send the tea back. "I will have nothing to do with you!" cried Clarke angrily, and so said all the others. So Molineux read another paper, declaring those who refused to comply enemies to their country, and no more was done that day.

On the 17th, a ship which had had a short passage brought news that the tea-ships had sailed. Next day a legal town-meeting was held, to entreat the consignees to resign. They were inflexible. But they were frightened at the silence in which the meeting had broken up; and Hutchinson proposed to flee to the Castle.

The meeting had adopted the resolves of Philadelphia, and had pledged themselves, by all means in their power, to prevent the sale of the East India Company's teas. Three vessels were expected every hour. "A man of the most influence" among the people advised the Governor to recommend the consignees to reship the tea. This person warned Hutchinson that he could protect neither the persons of the consignees nor their tea, if the ships came into harbour above the Castle. There was a little rioting that night—Clarke's windows were broken. A consignee fired with ball on the mob from one of the windows.

From this day there were almost daily town-meetings. The Governor called his Council. One of the members reminded him how Sir Robert Walpole had abandoned the Excise Bill, when he found he could not enforce it without bloodshed. The consignees sent up a petition for protection—they promised to wait further directions from the Company, and meanwhile not to sell the tea.[1] The Council were afraid of becoming liable for any damage to the tea. All the near towns, Dorchester, Brookline, Cambridge, Charlestown, Roxbury, were rallying to Boston.

[1] The teas were consigned to three different houses—one part to two of the Governor's sons, another to Clarke, and the third to Benjamin Faneuil and Joshua Winslow.

On Sunday night, November 28, the *Dartmouth*, Captain Hall, with six hundred chests of tea on board, came into Boston Harbour. In his *Diary* Hutchinson says he wished the ship to anchor below the Castle, so that she could go out to sea again[1] if the tea could not be landed, but that Adams and others of the Committee ordered the captain at his peril to bring up the ship to land the other goods. The ship was brought up to Griffin Wharf, and was constantly watched by the people.

It was proposed to let the tea be landed, but locked up. But it was urged that this was too great a risk—once let the tea come ashore, and it would be impossible to prevent its being sold; and in any case, if the tea were landed the town would be liable for the duty. While the Governor was sitting in Council at the State House, the town was sitting "in legal meeting" in a meeting-house close by—Hutchinson felt that the government was no longer in his hands. The consignees had taken refuge in the Castle. That afternoon the town-meeting resolved that Rotch, owner of the ship, should be directed not to enter the tea, and Captain Hall not to suffer any of it to be landed, at their peril. Twenty-five of the inhabitants, with a captain, kept watch over the ship that night. Next day, when the town-meeting resumed its sitting, Hutchinson sent the Sheriff with a proclamation, ordering those present to separate at their peril. When the proclamation had been read there was a general hiss. The question was put whether they would cease their proceedings. The meeting refused, *nemine contradicente*.[2]

After this, the Committees of Correspondence held daily meetings in Faneuil Hall. Two other tea-ships had now come in—they were ordered to lie alongside the same wharf, that all might be under one guard.

It was clear that the tea would never be landed; but, once above the Castle, ships required a pass from the Customs, and this the Collector refused to give till his dues were paid. After twenty days, on the duty being still refused, the ship could be seized. Something must be done. On the 14th of December there was a great meeting in the Old South; the people came into Boston from twenty miles round, Rotch was sent for and ordered to demand a clearance from the Collector, that the *Dartmouth* might put to sea. A Committee of ten was appointed to accompany him, and the meeting was adjourned to Thursday the 16th. That day, which was destined to decide the future of America, would be the

[1] He, however, says that this ship brought the winter supply of goods for New England, and the merchants would not have submitted to such a loss.

[2] Hutchinson.

twentieth since the arrival of the *Dartmouth*. The moment midnight sounded that night, the Customs officers could seize her, and land her cargo at the Castle. Rotch reported that the clearance was refused. He was ordered to go at once to the Governor and apply for a pass. Seven thousand of the men of New England sat waiting. From time to time some of the leaders addressed the meeting from the pulpit, but often the silence was so profound that the rain could be heard driving against the windows. In one of these pauses, Josiah Quincy the Younger spoke from the gallery. "Shouts and hosannahs," he said, "will not end this day's trials. Let us consider the issue." The great assembly replied as one man that they had considered—they were resolved that the tea should not be landed. Again he spoke, warning them that there must be more than words. It was now five o'clock, and Rotch had not returned. It was resolved to wait one hour more. It was known that Rotch had had to go out to Milton, to the Governor's country-house. With his usual tactics, Hutchinson had gone there to be as far off as possible. The sands were running out—the tea-ships must be got past Castle William before midnight. All had been prepared—men were waiting ready to work them down the harbour the instant the pass arrived. Without a pass the Castle would fire on them, and Rotch had said he was loath to stand the shot of 32-pounders.

It was six o'clock, and a number of candles had long been lighted, when Rotch and the two gentlemen sent with him as witnesses returned, weary and muddy with their journey on that stormy day. The whole assembly rose to its feet as the three made their way up the long aisle of the Old South, to the table below the pulpit—the table on which the sacramental symbols had so often been spread. Amidst breathless silence it was announced that the Governor refused to grant a pass until the ships should have cleared the Customs. A sound "between a sigh and a groan" broke from the vast assembly. Then Samuel Adams put the resolution that Rotch had done what he could; and added solemnly, "This meeting can do no more to save the country." So he dissolved the meeting, with an exhortation to keep order.

Just then a wild Indian whoop was heard in the street, and was answered by some in the galleries. "Boston harbour a tea-pot to-night!" shouted a voice, and amid cries of "Hurrah for Griffin's Wharf!" the whole assembly poured out, and, mingling with a great multitude collected outside, took the way to the southern wharves.

The secret of what happened next was so well kept, that only a few doubtful traditions have attempted to identify any of the actors.

All that is certain is, that as the multitude flocked down to the water's edge, persons disguised as Mohawks mingled with it—by twos and threes, coming no one could tell whence—until they gathered in a troop, estimated by some at about fifty. In all that great multitude there was almost utter silence.

The rain had ceased, and the moon was shining brightly as the multitude came out in sight of the wharves. Sentinels had been posted—no one was allowed to pass to Griffin's Wharf, but the shores and other wharves were black with people. All Boston was looking on, as the Mohawks swiftly boarded the tea-ships. So profound was the silence that the spectators heard the ripping open of the chests, and the splash as the tea was thrown into the gleaming water. In less than four hours every chest in the three ships had been emptied—342 chests in all. When all was done, the Mohawks marched back to the sound of fife and drum, escorted by the multitude. It is said that as they passed Admiral Montagu's house, the Admiral called from the window, "Well, boys, you've had a fine pleasant evening for your Indian caper—but there'll be the fiddler to pay yet!"

That night more than the Company's tea was lost—British sovereignty in America was cast into the sea.

Next day, and for many days after, the tea lay in long lines like seaweed, tossing on the ripples of the harbour.

CHAPTER XXXVII

THE DISMISSAL OF FOX

"The part of Mr. Fox must naturally beget speculations; it may, however, be all resolved, without going deeper, into youth and warm blood."—*Chatham to Shelburne*, March 6, 1774.

Fox is so important a figure, that even at this moment, when the American quarrel was hurrying on to civil war, the circumstances attending his dismissal ought to be told. They were singular enough—or rather, it was singular that Fox should have played the part he did in them. They were the indirect cause of transforming Charles James Fox from a truculent, insubordinate, and indiscreet ministerialist, ready to defend the most doubtful measures, into a statesman of wide views and definite aims. Incidentally the affair afforded the Thirteenth Parliament the opportunity of making another blunder.

Thomas de Grey and William Tooke both held land in the parish of Tottington in Norfolk. De Grey, who was lord of the manor, had cast his eye upon the "common fields," and was trying to enclose them. He put up a fence. Tooke—who had gone to law with him before this on questions of fish-ponds and common rights—pulled it down. There was an action for trespass, a challenge, and a citation in the King's Bench. While this case was still pending, and the title to the lands still in litigation, de Grey got Sir Edward Astley to present a private Bill, "to enable Thomas de Grey to divide and enclose the common fields of Tottington parish." Astley also presented a petition from de Grey and another from Tooke—de Grey setting forth that the enclosure and division would greatly improve the lands; while Tooke represented that a great part of the owners had not consented to the proposal, "which, they have reason to believe, is solely intended for the great gain and emolument of Thomas de Grey, Esq., who hath already made many encroachments upon the commons of the said parish." This petition also alleged that no notice had been given for a meeting of landowners, and asked that leave for a Bill be refused until the dis-

puted rights be settled, "according to the laws of the land." Notwithstanding this, de Grey's influence was sufficient to get the Bill brought in and read a first time three days after (February 10).

Tooke had no friend in the House to speak for him, except the two Aldermen, Townsend and Sawbridge, and he knew their support would do him more harm than good. He consulted his friend Mr. Horne, who hit upon a strange expedient for creating a sensation which would delay the Bill. He resolved to libel the Speaker, in a letter to the *Public Advertiser*. The letter was signed, "Strike—but Hear." It was very long, and very abusive. The Speaker had prevented Astley from presenting the Petitions to the House, by having them presented only to himself, professing to be astonished that the same person should present counter-petitions, and putting off the House by saying, "It is only a common petition for a common enclosure." This Horne called a "wilful falsehood and premeditated trick," and a "scandalous violation of the trust reposed in you"; and so, by your connivance, the rights and property of any private gentleman in this kingdom may be transferred by the House of Commons to another, in a fortnight (the time to be taken in passing the Bill), even without its own knowledge.[1] And if he happens to have gone to Yorkshire, when he comes back he may find his land transferred.

The same afternoon, in a very full House, the Speaker explained why he had come in late—he had been charged with a crime which if true would make him unworthy of that honourable seat, or even of a place in the House. He was charged with a predilection for Mr. de Grey—whom he did not so much as know, except for seeing him in the House—and for his brother the Chief Justice, who was a party to the Bill. Sawbridge himself exonerated the Speaker from partiality; the Speaker said he was satisfied, if members approved his conduct, and the Clerk was going to read the Order of the Day, when there were cries of "Privilege!" and "Move!" and Herbert rose and moved that Henry Sampson Woodfall, the printer of the *Public Advertiser*, do attend this House on Monday next. Mawbey said the Speaker could appeal to the Courts of Law; and the House would have been but too glad to be excused from fighting his battle if Fox had not joined in the fray. The Speaker, he said, had been grossly libelled—he hoped they would preserve their prerogative, and not appeal to an inferior Court for protection. That House

[1] "The moment Mr. de Grey's Petition was read, the Speaker instantly muttered in a low voice, and as hastily as possible, 'All you that are for the question, say Aye; all you that are against it, say No; the Ayes have it. Now bring up the other.'"—*Horne's Letter.*

was as much above the King's Bench as the King's Bench was above the Common Pleas! The printers had got off so easily last time they thought they had a right to libel members. "We are now warm in the matter, and had better go through with it!"

North agreed that the liberty of the Press had got to such a height that something must be done. He supposed the printer would not come; they must then send their Messenger to take him up; then some City Alderman would take up the Messenger, and then the Alderman would be taken up—he would go to prison for two or three months—it would make him popular and "establish him a patriot." Dempster asked the House to consider "of what our power consists: is it not the power of the people? Can we destroy their liberty without destroying our own?" This motion is levelled at our greatest blessing, the liberty of the Press. But it was of no use —Fox's speech had stung them; they ordered, *nem. con.*, that Woodfall attend this House on Monday.

He came (February 14). He confessed that he printed the letter; he had it from Mr. Horne; he saw that the petitions were quoted, and he read no more, his business subjecting him to hurry. Asked if that was all he had to say, he replied that he had been a printer twenty years, and had never incurred the displeasure of the House before. "I have voluntarily obeyed the summons, and throw myself upon the mercy of the House." The House would have been content to commit him to the custody of the Sergeant-at-Arms; but Fox in a furious speech demanded he should go to Newgate—he had committed an atrocious crime. The House had lost the confidence of the people, not by the Middlesex Election ("as was foolishly thought"), but by tamely submitting to so many insults—they had allowed John Miller, "a paltry printer," to hold them in contempt—he had not yet obeyed their summons, and he supposed never would. But this time Charles' eloquence failed—he could not persuade the House to punish Woodfall, who had come, because Miller had not come. Fox insisted on dividing the House—North felt obliged to vote with Fox, but begged his friends not to do so, and by 153 to 68 Woodfall was handed over to the Sergeant-at-Arms.

The House next sent for Horne. The House was crowded in expectation, but instead they got a polite letter, explaining that Horne did not know whether they meant him, as they called him "reverend."[1] Herbert moved that Horne had committed a breach of privilege, and that "the said reverend John Horne, for his

[1] Horne had lately left the Church.

said contempt, and breach of privilege, be taken into the custody of the Sergeant-at-Arms." William Burke asked them if this was how they preserved their honour? Not long ago they took up a chimney-sweeper and a milkman, and brought them to the Bar. Was it for their dignity to have the lowest wretches in God's creation kneel prostrate before them? Onslow said it was true he had brought a milkman before the House—but he was so respectable that a Magistrate refused £400 bail for him. And the chimney-sweeper might, for aught he knew, be of as much consequence as some of our modern patriots. It was all done to discover the author. If he had been supported on that occasion, the House would not have been troubled now. My life was once actually threatened—"I had the honour, Sir, to be hanged in effigy on Tower-Hill, on the same gibbet with you; indeed, in the dying speeches, the patriots paid me the greater compliment, for they gave out that I died penitent, but that you, Sir, remained hardened to the last." The House roared, but the motion was carried.

Next day Horne appeared—"neatly dressed in grey," but without his gown. He spoke respectfully, denying his contempt. There was an adjournment. It appeared that the witnesses were compositors of Woodfall's—one printed the MS. but did not know the writing, the other had heard his master say that Horne was the author. After long, tedious, and foolish debate, Woodfall and Horne were brought in and freely forgiven by the Speaker. And two days after Fox pounced on Woodfall again. He had discovered a letter in that morning's *Public Advertiser*, signed "A South Briton," tracing the corruption of the times to the rebellion against James II—thus libelling the Glorious Revolution. He persuaded the uneasy House to order the Attorney-General to proceed against the author and publisher of the said false, scandalous, and traitorous libel. The words of Junius were fulfilled—"The time is come when the body of the English people must assert their own cause: . . . they will not surrender their birthright to ministers, *parliaments*, or kings." [1]

Fox's conduct had been so outrageous, that people would not believe he did not act under secret orders from the King. Chatham wrote that sensible people thought he could not have behaved to

[1] It was in this debate that Fox, egregiously in the wrong as he was, yet protested against the names of Dr. Sheebeare and Dr. Johnson being coupled together. Charles was good enough to add that he "would be very much against prosecuting a man of great literary abilities, for any opinions which he may happen to drop in works not professedly political."

North as he did without support from some part of Administration, and that *that* part must have some encouragement from the Closet. But they were wrong—Fox's own wild, reckless temperament and ungoverned passions could account for all. But there is little doubt that he was much irritated with North, who had refused a grant of lands in St. Vincent's. Walpole says that Burke and Garrick engaged Fox to solicit this grant, and adds that Burke had a double motive—if the grant was made he could have sold his shares. If it was refused, Fox might be disgusted and join Opposition. The King had never forgiven, and never would forgive, Fox for his speeches on the Royal Marriage Act; and though he had till now been on the right side, the King very clearly perceived his dangerous independence, and still more dangerous courage. George III liked more supple servants. Charles' tone on the Dissenters' Relief Bill had also offended the King. "That young man," he wrote to North, "has so thoroughly cast off every principle of common honour and honesty that he must become as contemptible as he is odious, and I hope you will let him know you are not insensible of his conduct towards you."

Charles knew he had gone too far. On the 15th of February, when his friends asked him at Almack's whether North had turned him out, he replied, "No; but if he does, I will write to congratulate him, and tell him, if he had always acted with the same spirit, I should not have differed with him yesterday."

A week afterwards, a Messenger of the House gave Fox a note. It was short, even shorter than a former one attributed to Charles—

"Sir; His Majesty has thought proper to order a new Commission of the Treasury to be made out, in which I do not see your name.—NORTH."

So ended Charles Fox's career as a Tory.

He was just twenty-five. Hitherto his oratory had been effective chiefly for its reckless vigour, and for the art with which every now and then he would turn an opponent's argument against him. It is scarcely unfair to say that his eloquence had consisted in bluster—of a superior kind, indeed, but still bluster. Charles was always too much of a fighting man to please the King—his Majesty had always considered Charles a dangerously irrepressible person. But his extraordinary vigour made him terrible. Without becoming less vigorous, he was now to take a side which would call out qualities that till now had lain all but dormant. For the present, he left himself at liberty. He had for some time been intimate with Burke, but he did not as yet join Opposition; and on February 25,

he was a teller for the Noes in the division for making George Grenville's Election Bill perpetual.[1]

[1] The essence of this excellent Bill was a Committee of members of the House, so chosen as practically to ensure impartiality. Not daring to abuse the Bill itself, Ministers tried as much as they dared to set a limited term—say, seven years. It was only to be an experiment. De Grey said it was "an innovation." Rigby had more courage. He outdid himself in coarse and indiscreet bluntness. He asked Sir Edward Astley whether he thought his voters would go for him from Lynn to Norwich without so much as a pot of beer?—"and yet by the Act of King William the new Committee must find this bribery after the test of the writ." Some, he said, had talked of gentlemen being in leading strings; for his part, he had never found any inconvenience from his! Walpole says he helped the Bill, by disgusting several who had been disposed to vote against it, "and nobody said a word more against the Bill but Sir William Dolben, a bigoted tory, who, however, reflected on Charles Fox, and observed that he talked as if the fate of Cæsar and of Rome depended upon his conduct. He was tender in years, but tough in politics, and if he did not mistake had already been twice in and twice out of place."—WALPOLE, i. 324–5.

CHAPTER XXXVIII

THE PUNITIVE BILLS

"It is through the American trade of tea that your East India conquests are to be prevented from crushing you with their burden . . . they must have that great country to lean upon, or they will crush you with their burden.

"Incredible as it may seem, you know that you have deliberately thrown away a large duty, which you held secure and quiet in your hands, for the vain hope of getting one three-fourths less, through every hazard, through certain litigation, and possibly through war. No man ever doubted that the commodity of tea could bear an imposition of three-pence. But no commodity will bear three-pence, or will bear a penny, when the general feelings of men are irritated, and when two millions of people are resolved not to pay. The feelings of the colonists were formerly the feelings of Mr. Hampden when called upon for the payment of twenty shillings."—*Burke on American Taxation*, April 19, 1774.

"Lord North expressed himself in higher terms than ever upon the news from Boston, and said it was to no purpose any longer to think of expedients; the Province was in actual rebellion, and must be subdued. He would not allow the thought that the Kingdom was not able to do it. As for Hessians and Hanoverians, they could be employed if necessary; but he was of opinion there was no need of foreign force; at present they could not be sent; two regiments it was determined should go from Ireland in the spring, and as many more might go from one part or another as should be wanted. The Acts must and should be carried into execution."—*Hutchinson's Account of a Conversation at Lord North's*, Nov. 19, 1774.

VENGEANCE did not tarry.

On the 7th of March, 1774, Lord Dartmouth brought down the King's Message about the "violent and outrageous proceedings at the town and port of Boston," and the measures to be taken for "securing the just dependence of the colonies upon the Crown and Parliament of Great Britain." In the short debate which followed, Opposition said this was the effect of the Stamp Act, and Ministers said it was the effect of the repeal of the Stamp Act.

On the 14th Lord North moved the BOSTON PORT BILL.

The Boston Port Bill was a Bill to kill Boston. Boston will not let the tea be landed. NOTHING shall be landed at Boston. The Bill was for the "immediate removal of his Majesty's revenue

officers from the town of Boston, and the discontinuance of landing and discharging, lading and shipping of goods, wares and merchandise at the said town, or within the harbour thereof."

Boston has been the ringleader in all riots—on Boston therefore the punishment ought to fall. Boston has been in riot and confusion for seven years. The other Colonies are peaceably inclined. North explained that the port would not be reopened until full satisfaction had been made to the East India Company—nor then, unless his Majesty should be thoroughly convinced that the laws of this country would be better observed in future. Nor was this Bill all he meant to propose—"other parts, of more nice disquisition, will remain for future consideration of Parliament."

He quoted precedents for a collective punishment—the City of London, fined when Dr. Lambe[1] was killed by unknown persons; the City of Edinburgh, fined for the affair of Captain Porteous; and the town of Glasgow, part of the revenue sequestered till satisfaction was made for the pulling down of Mr. Campbell's house. (But none of these towns had its trade taken away.)

Mr. Grosvenor, who seconded, said the proceedings of Boston were "all entirely owing to the repeal of the Stamp Act." Dempster, a Company member, was unwilling the indemnification should be collected all over America—from innocent people. When Alderman Sawbridge began to speak, the House began to cough, and to call for the question. Byng asked whether we were not punishing ourselves in preventing English ships from trading to Boston? Barré was for a fine instead of the Bill. "I think Boston ought to be punished, she is your eldest son." Here the House laughed, and he went on, "I mean your daughter, she is a noble prop," you had better cherish her. But as he thought that if the Commons were unanimous, Boston would pay the indemnity, he would vote for the Bill.

On the 23rd, in Committee, Rose Fuller urged that the punishment was too severe for the first offence—the precedents were not in the least similar. The Bill would only "lead to confederacies"; it cannot be carried into execution without a military force—if we send a small one, the Boston militia "will immediately cut them to pieces"; if we send a larger—6000 or 7000—the Americans will "debauch them." Either way, we shall only hurt ourselves. He moved for a fine—he thought £15,000 would make amends to the

[1] Lambe was Buckingham's physician. In June, 1628, when Buckingham was being denounced in the Commons, Lambe was set on and beaten to death in the street, none of the perpetrators being ever discovered.

East India Company ("and be in some measure a relief to poor Malcolm"[1]).

Herbert said Boston would certainly refuse to pay a fine—and then we must take this measure. Better take it at once. It is useless to reason with them—Americans are a strange set of people—they always decide the matter by tarring and feathering. North denied it was the first offence—Boston began many years ago to endeavour to throw off obedience to this country; this was the first time Parliament had punished her. This Bill will show her we are in earnest, and "It will be enough to show that Great Britain is in earnest." Boston won't submit unless we show we mean to punish her. We can't prevent some of our people suffering a little, but we must compare these temporary inconveniences with the loss of that country, and its due obedience. Fuller had said the Americans would not pay their debts unless we complied with their wishes. They threatened us with the same thing if we did not repeal the Stamp Act. We repealed it, and they did not pay their debts. Our "unanimity will go half-way to their obedience to this Bill"—it won't take an army. "The good of this Act is, that 4 or 5 frigates will do the business without any military force." But if a military force is necessary, I shall not hesitate. If the Act does produce rebellion, "the rest of the colonies will not take fire at the proper punishment inflicted on those who have disobeyed our authority." And then lenient measures will be at an end, and the consequences of their rebellion will be upon them, and not on us. Let us be firm.

Gascoigne asked if the late proceedings of the Assembly looked peaceable? They had passed a law for purchasing twelve brass cannon. This people will hardly ever be brought to reason, except by the Bill—the moment a person offers to reason, they tar and feather him, or daub his house "with excrement and tar." A military force will not be in the least necessary. Limiting their trade is the only way to bring such merchants to their senses. Byng was totally against prohibiting British trade—by preventing importation to Boston, you will create that association you wish to annihilate. "You are not punishing the Bostonians; you are punishing the English merchants." Dempster denounced the Stamp Act as the cause of all the disorders. "He was very sure the destruction of America would be certain if we should offer to tax it." He thought the Bill gave Government too much power—there was no limit of time. We should treat the Colonies as our children—"nourish and

[1] A Custom-house officer who had been tarred and feathered, and made to ride a rail.

protect them." Fox took the same view. Conway spoke for the Bill but thought old grievances should not be raked up. The incorrigible Mr. Van said the town ought to be knocked about their ears. "You will never have proper obedience till you have destroyed that nest of locusts. 'Delenda est Carthago.'" This expression shocked Barré—he reminded the House that this was "the first vengeful step"; he feared the next proposition "would be a black one." He added: "You have not a loom nor an anvil but what is stamped with America; it is the main prop of your trade. America employs all your workmen here."

On the third reading, Dowdeswell said the Bill punished British merchants more severely than the Bostonians. Nor was it just to single out Boston—Philadelphia and New York sent back the tea; and if Charlestown (in South Carolina) let it be landed, it was only to be put in a damp cellar, where it was all mildewed. "You ask why the Americans don't pay their debts? If you stop the exports, you of course stop the payment of the debts."

The Port Bill passed the Commons on the 25th of March. It was late, the House was noisy, there was no division.

Nor was there in the Lords, though Shelburne, writing to Chatham (again too ill to take any active part), says that the Port Bill had a fuller, "and by all accounts a fairer," discussion there than in the Commons. The Ministry were divided—some called it only "commotion," some "open rebellion" in Boston. Mansfield called it "the last act of overt treason"—but the luckiest for this country, because, if it passes, we "shall be passed the Rubicon"; the Americans will know that we shall temporise no longer; and if the Bill passes with tolerable unanimity, Boston will submit, and "all will pass *sine cæde*."

The House listened patiently, "though very late at night," while Shelburne[1] described the loyal state in which he left the Colonies, "with some other very home facts." The Bill passed on the 29th, and received the Royal Assent on the 31st.

In vain Boston petitioned. In vain Franklin offered to pay the Company for the tea. Ministers were determined to have obedience, and Boston was as determined as ever not to obey. North reiterated the necessity of unanimity. If we carry this Bill unanimously, that will go far to convince the Americans that we mean it. The beauty of this Act is, that three or four frigates will do the business.

Gage[2] had told the King that the Americans would be "lyons,

[1] Shelburne to Chatham, April 4, 1774.

[2] Gage had only lately come over to England. As soon as he heard

whilst we are lambs; but, if we take the resolute part, they will undoubtedly prove very meek." He thought he could play the lion effectually with four regiments.

On the 28th North asked and obtained leave to bring in the "other parts, of more nice disquisition." The gist of the "Bill for Regulating the Government of Massachusetts Bay," was to strengthen military power in America. "The civil magistrate has been, for a series of years, uniformly inactive." The Governor cannot call out the military without the consent of seven of his Council. "I propose to take the executive power from the hands of the democratic part of government." The Governor was in fact to have the whole power—to "act as a justice of peace"; and to appoint all civil officers, except the Chief Justice and the Judges of the Supreme Court, who were to be appointed by the Crown, and to be removable only by his Majesty. Town-meetings must not be held without the consent of the Governor, except for the annual elections. "Juries are improperly chosen; I think a degree of regulation highly necessary."

Lord George Germaine did not think the Bill went far enough—he wished to "add his mite of preservation" to America, by proposing more changes still. For instance, in the election of the Council. He would certainly put an end to their town-meetings. "I would not have men of a mercantile cast every day collecting themselves together, and debating about political matters." The juries "require great regulation." I would wish to make the constitution of America as much like ours as possible—the Council like the House of Lords. And a Court of Chancery should be established—the Assembly of the province ought not to determine matters. "At present, their assembly is a downright clog upon all the proceedings of the governor;" the Council, too, are always thwarting him. There is really no government—only "a tumultuous and riotous rabble," who ought to be "following their mercantile employment," and not troubling themselves with politics and government, which they do not understand.

North thanked the noble lord for every proposition he had thrown out—"they are worthy of a great mind," and ought to be adopted. "I see the propriety of them."

The Bill was brought in on April 15. Dowdeswell said it destroyed the Charter, under which the Americans had flourished for nearly fourscore years, "and we have reaped the benefit of their labour." Their charter was granted in King William's time, and

that "coercive measures" were contemplated, he offered the King to return "at a day's notice."—*George III to Lord North*, February 4, 1774.

"is more adapted to the spirit of a free people than any charter that can possibly be framed by any minister now." Governor Pownall gave the House an account of how juries were chosen in America. "The House at first did not much attend;" but his knowledge of American affairs soon compelled them to listen. He explained that the Assembly, not the whole body of the people, chose the Council. The Selectmen were "a kind of aldermen." There was a careful and ample arrangement for ensuring a supply of proper persons to serve on juries. Business would almost stand still if town-meetings could not be held without consent of the Governor—these towns were often three hundred miles from the capital, and all municipal business was done at the town-meetings. He ended by begging that the Laws of Massachusetts Bay might be laid before the House.

Along with this Bill went one which was ironically called, "A Bill for the Impartial Administration of Justice in Massachusetts Bay." North said he hoped it would effectually secure the province from future disturbances—it was a Bill to give every man a fair trial, which the juries of that country were not likely to do. So the Governor was to be empowered to send him to any other colony, "where the same spirit has not prevailed"; or to Great Britain, if he cannot have a fair trial in any of the Colonies. The Customs of England to pay the costs. He only proposed this Bill for four years. "We must consider, that everything that we have that is valuable to us is now at stake; and the question is very shortly this; whether they shall continue the subjects of Great Britain or not?" "One thing I much wish—the punishment of those individuals who have been the ringleaders. Our attention will be active in that point." But we must guard against any illegal proceedings, or we shall find ourselves at last in the same dilemma we were in at first. In this speech North announced that Hutchinson was recalled, and that General Gage was appointed Governor and Commander-in-Chief—thus uniting the military and civil powers. This, and the allusion to his desire to punish the ringleaders, betrayed the true object of the Bill.

Many opposed this Bill who had acquiesced in the Port Bill. It happened that it was read a first time (April 21) in a very thin House—only 41 members present. Sawbridge said they were taken by surprise—"It is cowardly." And the Bill is cruel and ridiculous—does anyone suppose that a man who chanced to see a person murdered in America would come over here to give evidence against the aggressor? Would any American hazard a trial here, or expect justice here? North said he could not foresee a thin House. If the Bill is bad, in God's name throw it out; but

if it is good, you cannot be too unanimous. The more unanimous you are, the more effect the Bill will have.

In the Debates of May 2 it was urged that the Americans had not been heard in their defence. The Bill was really intended to protect soldiers who should have shot down the people. Dunning said it was neither peace nor the olive-branch—"it was war, revenge, and hatred against our own subjects. We are now come to that fatal dilemma, 'resist, and we will cut your throats; submit, and we will tax you.'"

The most powerful speech was Barré's. He fulfilled his promise of reserving his opposition for the worse measures yet to come. He said the Bill was "glaring, unprecedented." The noble lord has not produced one instance of a man not having a fair trial—what has happened is in the teeth of his proposition. Captain Preston and the soldiers, who shed the blood of the people, were fairly tried, and acquitted, by a Boston jury. "When a Commissioner of the Customs, aided by a number of ruffians, assaulted the celebrated Mr. Otis in the midst of the town of Boston, and with the most barbarous violence almost murdered him, did the mob, which is said to rule the town, take vengeance on the perpetrators of this inhuman outrage against a person who is supposed to be their demagogue? No, Sir, the law tried them; the law gave heavy damages against them, which the irreparably injured Mr. Otis most generously forgave upon an acknowledgment of the offence."

This Bill sets the military power above the civil. "I have been bred a soldier. I respect the profession . . . but there is not a country gentleman of you all who looks upon the army with a more jealous eye, or would more strenuously resist the setting them above the control of the civil power. No man is to be trusted in such a situation." (Every man who heard his words must have thought of what Clive had said about such a situation.) "When I stand up as an advocate for America," he went on, "I feel myself the firmest friend of this country. Alienate your colonies, and you subvert the foundations of your riches, and your strength." Instead of the olive-branch, you have sent the naked sword. "By the olive-branch I mean the repeal of all the late laws."

Wedderburn said the olive-branch ought to go in one hand, but the sword in the other. Captain Phipps observed that he was glad Hutchinson was recalled—he thought him one of the worst servants the Crown ever had. Lord Carmarthen (eldest son of the Duke of Leeds) made one of those fatal speeches which must have seemed to the Americans as the tearing off of a mask. He asked why the colonists were suffered to go to America, "unless the profit

of their labour should return to their masters here?" No one seems to have protested against this doctrine. North rose to defend Hutchinson. He did not know a man of greater merit, "nor did I ever hear any charge brought against him." He is not recalled for any misconduct—he deserves the thanks of this assembly. Van wound up the debate in a characteristic speech. If the Americans oppose these measures, "I would do as was done of old, in the time of the ancient Britons, I would burn and set fire to all their woods, and leave their country open . . . if we are likely to lose that country, I think it better lost by our own soldiers than wrested from us by our rebellious subjects." The furious Welshman had his wish—we lost America that way. Leave for the Bill was granted without a division, and it passed on May 9 by 239 to 64.

In the midst of these Debates, Rose Fuller made a desperate effort, on April 19, to get the tea-duty repealed before these punitive measures were passed. He urged that the other measures would be totally ineffectual without a repeal of the tea-duty. Those who spoke against his motion did so on the score of supremacy of Parliament. They wished "to keep the right." Phipps once more told them they would be as much hurt as the Americans. The tax was "trifling and absurd." Sure, too, to be evaded—"God and nature had given them an extensive coast, and of course an opportunity of smuggling." And how can we "expect obedience from them, when the emoluments of that country are taken from them to supply the luxuries of men who live in this?" Before Lord Botetourt was Governor, Virginia "was annnally plundered of £5000 by the non-residence of former governors." He knew a person in that country who held eleven offices, "the emoluments of which were appropriated to the support of men of bad description in this."

This, however, was but carrying out Carmarthen's theory, that the colonists were only there to work for their masters here.

The great, the immortal speech was Burke's. Passages from it have been so often quoted that they are known to everyone. But these refer to the characters of Ministers, and the changes of administration. The statesmanlike review of the past is less well-known, and at this crossing of the Rubicon it is full of lessons and warnings on more crises than this of America. Here is the gist of it, as briefly as is compatible with conveying any just idea of the views taken by Opposition at this momentous turning-point. As far as possible Burke's very words are used.

The speech was immediately provoked by Cornwall's attack on the Rockingham Administration, and its Repeal of the Stamp Act.

Burke asked why, if Government disapproved of the Repeal of the Stamp Act, they repealed five taxes of the Revenue Act? You say you repealed them on commercial principles—Lord Hillsborough's Circular Letter to the Governors says so. Then repeal the remaining tax on the same principles! You say, if we repeal it, what will become of the preamble?[1] Where is the revenue? Five-sixths are already abandoned. Does the poor solitary tea-duty give you a revenue? The object of the Act is gone already. And if commercial principles are to be studied, tea was the last article you should have left. The taxes you repealed were without comparison fitter to be kept—infinitely less likely to be evaded by contraband. For instance, there was red and white lead. You have, in this kingdom, an advantage in lead amounting to a monopoly. You sometimes tax your own export—you ventured to do so after the last war, when you put a duty on coals. But "tea is perhaps the most important article in the mighty circle of our commerce. This is an awful and instructive lesson on the mischief of not having large and liberal ideas in the management of great affairs. You have never looked at your interests in one connected whole. The servants of the State have taken bits and scraps, without regard to their relations." "They never had any kind of system, right or wrong; but only invented some miserable tale for the day, in order meanly to sneak out of difficulties into which they had proudly strutted." So it has come about that "a tax of three-pence has shaken the pillars of a commercial empire that circled the whole globe."

Do you forget how you were on the verge of bankruptcy last year? "The monopoly of the most lucrative trades, and the possession of imperial revenues, had brought you to the verge of beggary and ruin." The vent of the ten millions, locked up in this tea, rotting in the Company's warehouses, would have prevented this distress; America would have been that vent—America, where tea is next to a necessary of life. "It is through the American trade of tea that your East India conquests are to be prevented from crushing you with their burthen . . . they must have that great country to lean upon, or they tumble upon your head." The same folly has lost you the benefit of the West and the East. Never did people suffer so much for the empty words of a preamble!

You will force the Colonies to take the teas? Has a seven

[1] The preamble of the Revenue Act asserted the expediency that a revenue should be raised in America for defraying certain charges of administration there. Burke called on the Clerk of the House to read the preamble, which was done.

years' struggle forced them? We all know that tea will bear an imposition of threepence, but no commodity will bear a penny when two millions of people are resolved not to pay. Would 2os. have ruined Mr. Hampden?

You say your dignity is tied to it. What dignity is there in perseverance in absurdity? Five years ago, when we proposed repeal, we were laughed down. Five days afterwards, Lord Hillsborough wrote his Circular Letter, promising repeal, and assuring the Colonies that we did not mean to lay any fresh taxes.

Then Burke showed how all our laws—Navigation Acts, and all—had been directed to establishing a monopoly of trade, and not for raising a revenue. And as long as we "forgot revenue," we not only acquired commerce but "created the very objects of trade in America," and raised the trade of this kingdom at least fourfold. America had the compensation of our capital, "which made her bear her servitude." She also had "the substance of the British constitution." She chose most of her magistrates; she paid them all. "This whole state of commercial servitude and civil liberty is certainly not perfect freedom; but comparing it with the ordinary circumstances of human nature, it was a happy and a liberal condition." You are now going to take away these compensations.

Then he spoke of Charles Townshend, who, "in a brilliant harangue," dazzled the country gentlemen "by playing before their eyes the image of a revenue to be raised in America." This was "the first glimmering of this new colony system." George Grenville was a great man, and we owe him much, continued Burke, referring to Grenville's Election Bill; he had a masculine understanding, and if he was ambitious, his ambition was of a noble and generous strain. But he took too narrow and legal a view of things, and thought our flourishing trade was due more to our laws than to our liberty. He, too, "considered his objects in lights that were rather too detached." The Act of Navigation was his idol. He "looked with too exquisite a jealousy" on smuggling, and, to put it down, he straitened the bonds of navigation, and stopped the coasting intercourse between the Colonies till America was on the point of having no trade at all. The idea of an American revenue opened out a new principle; and we cried out for fresh taxes, just as the Colonies were crying out that they were crushed by those the war had brought.

At this point Burke would have stopped, but the House

called to him to go on. He continued his masterly recapitulation. He referred to the stock accusation of the Court party, that the disturbances in America were owing to the change of Ministry. It was pretended that the colonists only took courage when their friends were in power. Burke showed that the news had not reached them. "Thus perish the miserable inventions of the wretched runners for a wretched cause!"

After describing the Patchwork Cabinet, Burke returned to Townshend. "He was the delight and ornament of this House. If his knowledge was not equal to that of some others, he knew how to bring together all that was necessary to his argument, "better by far than any man I ever was acquainted with. He hit the House just between wind and water." And not being too zealous for any question, he was never more earnest or more tedious than the House wanted him to be. He seemed to lead, because he always followed. In this question, said Burke, the characters of men are of great importance. "Great men are the guide-posts and land-marks in the State." Those who never saw Charles Townshend do not know what a ferment he was able to excite in everything by his mixed virtues and failings. As soon as he found that repeal was in bad odour, he declared that a revenue must be got out of America. And then "the whole body of the courtiers drove him onward." They always talked as though the King was humiliated, until something of the kind was done. In his Revenue Act, Townshend tried to please everybody—the partisans of a revenue, by the preamble; the colonists by taxing British manufactures; and the British merchants by making the taxes trivial, and, except that on "the devoted East India Company's tea," laid on none of the grand objects of commerce. "This Revenue Act of 1767 formed the fourth period of American policy." How have we fared since then? "What woeful variety of schemes, what enforcing, what repealing, what bullying, what submitting, what doing and undoing, what shiftings, changes, and jumblings!"

Then, coming to the immediate question, he asked if they meant to draw a revenue from America. If you do, speak out; fix this revenue, define it, provide for its collection.[1] Fight when you have something to fight for. If you kill, take possession—do not appear as madmen, who murder without an object.

[1] According to an estimate laid before Parliament in 1774, the exports from Great Britain in 1773 were £13,226,740; and the imports were £11,832,469. Exports to America on an average of three years were £3,370,000, and commodities imported from the Colonies for the same period £3,924,606, 13s. 4d.

But a better way will be peace. I am not going into metaphysical distinctions of right. Be content to bind America as you always did—by trade. You did not tax her in the beginning. Let that be a reason for not taxing her now. "Nobody will be argued into slavery." They bear the burdens of unlimited monopoly, will you bring them to bear the burdens of unlimited revenue too? "The Englishman in America will feel that this is slavery. Reflect how you are to govern a people who think they ought to be free, and think they are not?"

Rose Fuller's motion was lost by 182 to 49.

The Third Reading of a Bill for Quartering Troops in America was put off that Chatham might be well enough to attend. Of his speech on May 25, Mr. Sheriff Sayre said to Lady Chatham, that if the two countries could have heard it "they would have run and embraced each other." Chatham said that the spirit shown by the Americans was the same spirit which had moved them to leave their native country, "where slavish and tyrannical principles" then prevailed. "They are great instances to instruct the world, what great exertions mankind will naturally make, when they are left to the free exercise of their own powers." He condemned the destruction of the tea; but said "they perceived your intention was renewed to tax them, under a pretence of serving the East India Company." "I sincerely believe the destroying of the tea was the effect of despair." Throughout, Administration had purposely incited them to these violent acts. "What other motive could there have been to dress taxation in the robes of an East India Director," but to break peace and harmony? "I am an old man—I would adopt a more gentle mode of governing America; for the day is not far distant, when she may vie with us, not only in arms, but in arts." The Bill passed the Lords by 57 to 16.

On the 10th of May, 1774, the old King of France, Louis XV, died of the small-pox, and his very young grandson became Louis XVI. King George much regretted the death of Louis XV, being unable to "foresee who will have credit with his successor."[1]

Opposition had long been calling for a Government for Canada, and at last Ministers brought in the Quebec Bill.[2] This Bill excited more uneasiness and opposition than any of the Bills for punishing the old Colonies. The line taken by Ministers in defending it was very curious—they seemed to be using the language of Opposition when they said that they had not given Canada an Assembly because "it was thought very unequal, even

[1] Letter to Lord North, of May 4.

[2] May 26.

cruel," that an Assembly, chosen by the small body of English settlers, should govern so large a one as the French; and that it was thought "more humane" to leave them their old French laws, "which they understood." Opposition insisted on an enquiry, and witnesses were examined at the Bar. The evidence given was very interesting. General Carleton said the Canadians would rather be without an Assembly, seeing the troubles that came of them; and when they found an Assembly, if they had one, would be chosen from the old British subjects only, "they expressed horror at the idea of one." There were but 360 Protestants in Canada, and most of them not even men of substance, but traders and "reduced soldiers"—most of them "by no means proper for an assembly to be chosen from them." There were 150,000 French, all Roman Catholics. He said Canada had prospered, and the population had increased, since the conquest, but this was owing "to the change from a state of war to one of peace." The former Government was "extremely military," always undertaking military expeditions at a distance, whereby great numbers of men were lost, and taken from the culture of the earth. He did not think the change of laws, or the free export of corn, had produced this prosperity, for "there must be the people before there can be the cultivation." Mazères, late Attorney-General, said the Canadians would be contented with any government given them, "provided it be well administered." But he was of opinion that more freedom might have been granted. The examination took a startling turn, when Dunning asked whether, since the French code was to be in force, a Governor could imprison the King's subjects under *lettres de cachet*. Finally, Mazères said he thought he could, unless Habeas Corpus were made to be in force—a clause to that effect had better be inserted. One French Canadian gentleman said his people would like an Assembly, but could not afford to pay for it. They would certainly like a freer government.

But while Opposition denounced the Bill as tyrannical and despotic, they denounced it still more fiercely as "establishing the Roman Catholic religion." They said the capitulation had only promised a bare toleration—the Bill went farther. It granted the Romish clergy a legal right to tithes from the Catholics; while the Protestant clergy were left at the King's discretion. At least, both should have been provided for. For all this, several amendments were carried, which gave still more religious liberty—in particular, a simple Oath of Allegiance was substituted for the Oath of Supremacy. This would enable Catholics to be on the Council. It is distressing to be obliged to relate that Chatham

violently opposed this. He called it making the Catholic religion the established religion of that vast continent. We might as well, he said, take down our bells and pull down our steeples. The whole series of supremacy laws, from Henry VIII downwards, constituted a clear compact that all establishments by law are to be Protestant. Lyttleton's reply to this speech was more enlightened than that of the great statesman. He said that far from thinking no true Protestant could agree to the change in the Oath, he thought no true Protestant could refuse to concur. To oblige Catholics to deny the Pope's supremacy was to compel them to abjure their religion. "Opposition always grew and strengthened under the scythe of persecution, and fanaticism was never formidable till it was oppressed." As for pulling down our steeples, even if that happened the evil would not be great, for Christian men could meet in the faith of Christ and in Christian charity without these things, which to the truly devout were of little importance—the mere externals of religion. It was our policy to give the Canadians more freedom than France had done. Chatham had said he feared this political separation of Canada from America might divide their interests, and French Canada be used to quell British America. Lyttleton said he did not fear this; but if America resisted the lawful power of Great Britain, he saw no reason why the loyal Canadians should not help to subdue them.

In these words we probably see the inner meaning of the political portion of the Bill. The great merit of it was that it really did secure to French Canadians a religious liberty worth the name. And well for us was it that it did so. If even a shadow of the disabilities suffered in England (not to speak of Ireland) by Catholics, had been inflicted in Canada, the probability is that when we lost America we should have lost Canada too. France would have recovered a province whose inhabitants saw their religion only "barely tolerated," and every career barred by an Oath their consciences would not allow them to take.

Hutchinson landed at Dover on the 29th of June, and on the 1st of July Lord Dartmouth brought him to the King. He convinced his Majesty that "they will soon submit"; and that "the Boston Port Bill was the only wise and effectual method that could have been suggested for bringing them to a speedy submission, and that the change in the legislature will be a means of establishing some government in that province, which till now has been one of anarchy." The people of Boston seemed much dispirited the day he sailed; Boston would be abandoned to her fate, and Rhode Island sneered at the Covenant.

CHAPTER XXXIX

THE BOSTON PORT BILL

"Let this Bill produce a conviction to all America, that we are in earnest . . . if they are obstinate, the measure will be severe; if not, mild.—I believe that Boston will not immediately submit to a fine, nor to the intention of the present Bill, unless it comes attended with a mark of resolution and firmness that we mean to punish them, and assert our right."—LORD NORTH, March 23, 1774.

"The town of Boston ought to be knocked about their ears, and destroyed. 'Delenda est Carthago.'"—*Mr. Van on the Port Bill.*

"Three thousand miles of ocean lie between you and them. No contrivance can prevent the effect of this distance in weakening government. . . . Nothing worse happens to you, than does to all nations, who have extensive empire. . . . Nature has said it. The Turk cannot govern Egypt, and Arabia, and Curdistan, as he governs Thrace. . . . Despotism itself is obliged to trick and huckster. The Sultan gets as much obedience as he can. He governs with a loose rein that he may govern at all. . . . This is the immutable condition, the eternal law, of extensive and detached empire."—*Burke on the Motion for Conciliation*, March 22, 1774.

BOSTON had been chosen as the place where to "try the question." At the other American ports, when it was found that the tea could not be landed, captains were allowed to return without breaking bulk. Only at Boston were the people given no other choice but to let the tea come into the town or to destroy it.

This time, however, Hutchinson was cowed, and over and over again we find him mentioning that he thinks it advisable to take up his lodging in the Castle. He did so, immediately after the "tea-party"; when, on summoning the Council, he could not get a quorum. When he did get one—at Cambridge—a member bluntly told him the people had taken the government into their own hands, and any attempt to restrain them would only enrage them, and render them more desperate. A proclamation, with a reward for discovery, would be laughed at, and even if any individual were charged the Grand Jury would probably not find a true bill.

The Assembly was not to meet for five weeks. Before that another vessel arrived with tea; but her owners were "friends to

Liberty," and connived at the Mohawks reappearing and despatching the cargo as before.[1] At New York, the tea on board Captain Chambers' ship was served the same.

So great were Hutchinson's fears, that when the Assembly met he took no notice of what had happened, wishing "to avoid an undesirable answer." He "mentioned such things only as were least likely to give room for any harsh or unkind return." He had been a long time learning this wisdom, and, like most of our experience, it came too late.

Hutchinson felt his position to be intolerable. It is impossible not to pity this man, who was intended by nature for a sober and respectable man of business, but who had miserably allowed himself to become the tool of oppression. From having been trusted and honoured, he was become hated and despised. He had shown himself obstinate, and yet weak. He was now genuinely alarmed. He believed that an armed rebellion was on the point of breaking out—many were forming themselves into military companies, and drilling, under the orders of officers of their own choosing. With despair he saw that the British Government would not resort to that "sharp external force" which he had so long been warning them was the only way of obtaining submission. The news of the dismissal of Dr. Franklin and Mr. Temple had only increased the anger excited by the Letters, and the Letters themselves caused Hutchinson to be openly denounced as a traitor, and compared with the worst of former Governors, who, like him, had tried to sacrifice Colonial to British interests. He had already begged for an order to go to England, had received it, and was taking his passage, when the death of the Lieutenant-Governor,[2] on March 3, compelled him to defer his departure till a new Lieutenant-Governor could be appointed from England.

The Assembly was impeaching Chief Justice Peter Oliver of high crimes and misdemeanours, for receiving his salary from the Crown. That year the 5th of March was commemorated with more enthusiasm than ever. The speeches were bolder, and "derisive transparencies" of the Governor and Chief Justice were exhibited from windows in King Street. As the Assembly persisted in the impeachment of Oliver, Hutchinson refused to pass its grants, and dissolved on March 31.

The affair of the Letters, and the treatment of Franklin, were

[1] "The brig *Fortune*, Capt. Gorham, from London, having on board 28 chests and a half of the East India Company's tea."—*Gentleman's Magazine*, p. 284.

[2] Andrew Oliver. It was asserted that his death was hastened by the attacks upon him. He was no relation of the Chief Justice.

highly resented in the sober city of Philadelphia. "The effigies of Alexander Wedderburn, Esq., charged with traducing the American colonies, and insulting their Agent before his Majesty's Privy Council, for doing his duty;" and of "Thomas Hutchinson, Esq., Governor of Massachusetts Bay, convicted of an attempt to incense Great Britain against her colonies," were put on a cart, and taken through the streets, with a label on the breast of each, "couched in very rancorous and scurrilous verses"; and were hanged and burnt in the evening, amidst the acclamations of a vast concourse of people.

Things were in this temper, when news came that the British Parliament had passed a Bill to take away the port of Boston.

The first copy of the Bill was brought to America by Captain Cooper, on May 15. His ship left the Downs on April 10. The Bill was immediately printed "on mourning paper, with a black border," and was cried in the streets of New York and Boston, as

"BARBAROUS, CRUEL, BLOODY AND INHUMAN MURDER!"

It was not Massachusetts, but New York, that first proposed a GENERAL CONGRESS of delegates from all the Colonies, to agree about Non-importation, till the Boston Bill should be repealed. The day after this copy arrived, the old Committee of Correspondence convoked the inhabitants. The Tory element in New York, and especially the influence of the De Lancys, was strong enough to get a new Committee of fifty appointed—a very mixed body, including Tories and wavering Whigs, but also some of the most zealous of the Sons of Liberty. The majority was strongly Loyalist, and the deliberations of the Committee were principally directed to bringing about a reconciliation with Great Britain, on terms which should restore "the just freedom" of America.

Gage arrived on the 19th of May.[1] He brought with him the four regiments which he had said would be enough. He was received "as Governor and Commander-in-Chief with all possible honours and respect." It might have been added, "and as Vice-Admiral," for he united that command to the others. Both Houses were there (the Council is always spoken of as the Second House), and seven companies of provincial troops. Gage especially remarked the military appearance of the "Boston Grenadiers," and of their Colonel, Knox the bookseller. Perhaps he thought of poor Braddock's last words: "We shall know how to deal with them better next time."

His troubles began at once. Next day, there was a meeting at Faneuil Hall, to consider the Port Bill. It was resolved, *nem. con.*,

[1] *Ann. Reg. Chronicle*, 1774.

that if the Colonies come to a joint resolution to stop all importation and exportation to Great Britain, and every part of the West Indies, till the Act for blocking up this harbour be repealed, North America and her liberties will be saved; but if not, there is high reason to fear that fraud, power, and the most odious oppression will rise triumphant over right. This vote to be sent to all our sister colonies.

On the 25th of May, 1774, General Gage, last royal Governor but one of the province of Massachusetts Bay, opened the last Assembly that was ever to sit under British rule. He informed it, that after the 1st of June, it must remove to Salem.

The Port Bill was to come into operation on the 1st of June. On that day, Governor Hutchinson sailed for England. He had been addressed by 124 "merchants and principal gentlemen of Boston, the episcopal clergy, the Magistrates of Middlesex County, and the chief gentlemen of Salem and Marblehead." That morning, he walked from his house at Milton along the road to Boston, bidding adieu to his neighbours, and shaking hands with them. Near Dorchester Neck, he got into his coach, which had followed him, and drove to the Point, where a boat waited to take him on board the *Minerva*. With him went his son Elisha. Governor Bernard had heard the bells of Boston ringing for joy at his departure. Hutchinson heard them ringing too—but a muffled peal. The newspapers had come out again with mourning borders. At noon, the doors of the Custom House were shut to the tolling of the Old South Bell.

Henceforth, no ship may come in, no sail may be unfurled, no ferryman may carry a passenger, or a pound of sugar, across to Charlestown, no lighter may land hay from the islands, no boat may bring sand from the hills on the mainland; a scow may not take in iron or timber, nor a float land sheep, nor a farmer bring over his produce, nor a boat ply between pier and pier. All business is transferred to Salem, 17 miles off. Lord North has said he will set Boston 17 miles from the sea.

In Williamsburg, the House of Burgesses of Virginia had appointed that day as a Solemn Fast, to implore Divine Interposition for averting the threatened destruction of civil rights and the evils of civil war, and to give the people one heart and one mind to resist firmly. Lord Dunmore promptly dissolved them. At Philadelphia, all business was suspended, nine-tenths of the citizens (but not the Quakers, though they were sorry for Boston) shut up their houses, and the bells rang muffled all day. At Harvard, the day was observed as a day of mourning—the town hall was hung

with black, the shops were shut. Less devout towns called general meetings.

It appears from Gage's letter to Dartmouth of July 5, that at a town-meeting in Boston, "the better sort of people tried to make a push to pay for the tea," and "annihilate the Committee of Correspondence." But they were outvoted, and instead the "Solemn League and Covenant" was issued, pledging the town to non-importation. Gage had his agents—not to be called spies, but officers in the royal service. Among them was Daniel Leonard, who had been elected to the Assembly for his professions of patriotism, and his engaging manners. He was on the Committee of Nine (on the State of the Province). The Committee, however, were not quite sure of Leonard, and he heard nothing but vague proposals for conciliation, until he believed, and made Gage believe for a time, that the Assembly would vote an indemnity to the East India Company, as soon as more troops arrived. The Assembly, removed to Salem, with all other public offices, was protesting against its removal. In replying to Gage's Speech, the Council expressed the hope that his administration would be "a happy contrast" to that of his predecessors. Gage refused to receive the Address—those predecessors had been approved by the King, a reflection on them was an insult to the King and an affront to himself.

By June 17, he had given up hope of an indemnity, and had determined to dissolve before the Assembly could fix time and place for the General Congress. The Assembly was aware of his intention. So full a House had never been known. One hundred and twenty-nine members were present that morning. Samuel Adams had the door locked, and put the key in his pocket. Then the House began to pass resolutions as fast as it could—first, for renouncing the consumption of East India teas, and as far as possible of all goods exported from Britain or the West Indies, till our public grievances are redressed. Next, Adams proposed the First of September for the Congress, the place to be Philadelphia—well out of reach of the troops. Just then, the Governor's Secretary knocked at the door, with a Message from the Governor. The House, guessing the import of the Message, sent word it had ordered the door to be locked—it was discussing moderate and conciliatory measures. So the Secretary had to read his Proclamation and dissolve the Assembly outside the door, in the ears of the crowd on the stairs. It was perhaps the shortest Proclamation ever made—it had been drawn up in haste to dissolve before the House could pass its resolutions. Thus ended the last sitting of the last Assembly under the Charter.

That same day, a meeting in Faneuil Hall (John Adams presid-

ing) voted, with but one dissentient, that the Committee of Correspondence write forthwith to all the other colonies, to tell them "we are not idle," and are anxiously waiting for the Continental Congress. A town-meeting at Salem sent word to Gage that "Nature herself forbade Salem becoming the rival of that convenient port, Boston."

Assisted by Hutchinson's "Addressers," Gage now made a great effort to get up a meeting for paying for the tea. On the 27th of June, so great a throng assembled at Faneuil Hall, that it was necessary to adjourn to the Old South. There the friends of Government moved a vote of censure on the Committee of Correspondence. Samuel Adams left the chair, as his conduct was being called in question, and faced his opponents from the floor. But at the adjourned meeting next day, the censure was rejected by a great majority, and the "Solemn League and Covenant" to suspend all commercial relations with Great Britain till the Acts should be repealed, was adopted. Gage answered by a Proclamation ordering the arrest of any person who offered this document for signature.

Admiral Graves[1] now arrived in a ship-of-war; but the larger the forces collected in Boston, the worse grew the situation all over the continent. From Massachusetts to South Carolina, the Colonies were calling meetings to protest against the Port Bill, to enter into non-importation agreements, and to choose delegates to the General Congress. And as soon as Boston's plight was known, substantial marks of sympathy began to arrive—South Carolina sent rice, North Carolina collected £2000, Windham in Connecticut sent 258 sheep, "a gentleman of Norwich" drove in 291 more, and Major Israel Putnam 130—a gift from Brooklyn parish; the French and English inhabitants of Quebec sent 1040 bushels of wheat; Colonel Washington of Mount Vernon headed the subscription list of Virginia with £50. Philadelphia voted £200. The backwoodsmen of Augusta County sent 130 barrels of flour for the poor of Boston. From every town and village of New England stores and money came pouring in. Even New York, the centre of British patronage, had destroyed her tea. And at Newport in Rhode Island a paper was being distributed, headed, "JOIN or DIE!"

Gage issued proclamation on proclamation, until he got down to the venerable Proclamation for the encouragement of piety and virtue, and the preventing of wickedness and vice.

Hitherto, he had only had to contend with the opposition to the Port Bill. On the 6th of August, he received the official copy of

[1] This was Samuel Graves, not the Admiral who played so considerable a part in the War.

the Act for Regulating the Government of Massachusetts, and his real troubles began. The Act in effect abrogated the Charter. The whole power of appointment—even of legal officers—was placed in the hands of the Governor. He began at once to put it in force. He chose his new Council, "agreeable to the late Act." Thomas Oliver was sworn-in as Lieutenant-Governor, and the Selectmen of Salem were summoned before Gage, and warned that he meant to enforce the new laws. They talked about the old laws of the province. He arrested six of them, and three were sent to gaol, but when they arrived, the "keeper" refused to admit them! This seems to have been the only arrest Gage ever ventured to make. He dared not touch Hancock, but he revoked his commission as Colonel of the Governor's Company of Cadets—whereupon, the Cadets disbanded themselves, and sent back the King's standard to the Governor.

On the 26th of August, there was almost an insurrection. It was Assize-day at Worcester. Two thousand men marched thither in companies. The jurors refused to serve; the clerks of the Court expressed their repentance for having summoned them under the new Acts—they did not consider what they were about. If the people will forgive them, they will do so no more, "let the consequence be what it will." They published these abject apologies in the papers. Next, the insurgents turned their attention to the "mandamus"[1] Councillors. They forced Timothy Paine to stand with his hat off and read his resignation. Some fled, all resigned. Of the thirty-six new Councillors, only about thirteen had taken the oaths. Next Lord's Day, when George Watson, a heretofore respected townsman of Plymouth, took his seat at meeting, attired as usual in his scarlet Sabbath cloak, his friends and neighbours got up, put on their hats, and walked out—George hanging his head as they passed his pew, that he might not look them in the face. It was more than he could bear—he resigned.

The same 26th of August, another body marched to Springfield early in the morning, with drums and trumpets, and set up a black flag on the Court House, threatening death to any who entered. The Judges signed a promise not to exercise their commissions. It was impossible to execute the Acts.

The 29th was Assize-day at Boston. Gage came in to support Chief Justice Oliver. The Judges took their seats, but the jurors refused to serve, and one of them reminded the Court that the Chief Justice still stood impeached by the late Representatives of

[1] So called because summoned by mandamus from the Governor, instead of being elected, as formerly, by a Committee of the out-going Council.

the province. The jurors said further, that the Charter had been changed with no warrant but that of Act of Parliament. The Judges waited on the Governor, and told him they could not exercise their functions either in Boston or out of it—the army was too small for their protection, even if they could find any jurors. Thus the grand scheme for reducing Massachusetts to obedience by changing her government was dead before it was born. Gage was even obliged to remove himself and the remains of his Council to Boston (in violation of the Port Bill), because they dared not show their faces at Salem.

Gage had already seized such provincial military stores as he could lay hands on, and now, before sunrise on the 1st of September, he sent a party up the Mystic River to seize a large store of powder at Medford.[1] What he seized was in part private property. As soon as it was known, several thousands, "mostly in arms," assembled at Cambridge, intending to march on Boston, but were dissuaded by "the principal gentlemen of the town." Dr. Warren, who crossed from Charlestown to confer with the Cambridge Committee, found four thousand persons standing round the steps of the Court House, listening to Judge Danforth so quietly that the old Judge's voice could be distinctly heard. He was assuring them that he would never act as a member of Council. The High Sheriff also promised not to execute any precept under the new Act of Parliament.

Lieutenant-Governor Oliver, who fled to Boston, told Admiral Graves that this was "not a mad mob," and earnestly implored Gage not to send out the troops, until he had more to send.

Gage saw the wisdom of this advice. He had long ceased to think that four regiments were enough. He now thought it would take "a very respectable force." He was annoying the King by writing for more and more troops, and by at last positively proposing to suspend the Acts—an idea which seemed to his Majesty "the most absurd that can be suggested."[2]

Before this, Gage had written to Carleton at Quebec for Indians. Carleton's commission empowered him to enlist "the Indian tribes from the coast of Labrador to the Ohio, and march them against rebels into any one of the plantations in America." But Carleton did not like it. "You know," he wrote back, "what sort of people they are." Gage himself was somewhat ashamed, but gave orders to propitiate the Chiefs by gifts and subsidies. Meantime, he began to fortify Boston Neck, the only entrance to Boston by land. He

[1] Or rather, Quarry Hill, between Medford and Cambridge.

[2] The King to Lord North, Nov. 19, 1774.

brought the cannon from the Castle, and posted the 59th on the Neck; and when the Selectmen came to ask what this meant, he replied that he was only preparing in case the provincials attacked him.

With almost incredible folly, he had timed his attempt to seize the powder with the moment of the annual muster of the Massachusetts Militia. It never disbanded. Nor could Gage get carpenters to work on his fortifications—though there was much distress, and many unemployed. In vain he sent to New York for workmen—nobody cared to build a fort to overawe his countrymen.

This rally of the Massachusetts Militia marks the change from a political to a military struggle. Although, even then, a return to the policy "before 1765" would have restored obedience, from this time both sides began to face the probability of war. The Americans looked forward with heavy hearts—the Ministerialists with something like light ones. Long before Lexington, "a person near the top" said to Hutchinson, "the farther your people go the better—your reduction will be the more effectual."[1]

The elections for a new Assembly were held as usual, but when the day came, Gage did not meet the members; so after waiting for him all day, they resolved themselves into a PROVINCIAL CONGRESS—explaining that they did so for lack of an Assembly. Presently Gage wrote home to Dartmouth that "popular fury was never greater than now in Massachusetts Bay."

Lest it should be thought that "popular fury" was confined to Massachusetts, an extraordinary affair may be mentioned, at Annapolis, the capital of Maryland. The brig *Peggy Stewart* arrived there in the middle of October, with 2320 pounds of tea, on which the owner at once paid duty. There was great indignation; a committee kept watch to prevent the tea being landed, the public meetings were crowded with people from the country, and at last the two importers and the owner of the brig jointly expressed contrition, and offered to burn "the detestable article." This not satisfying the crowd, the owner—after consulting with Charles Carroll—actually offered to burn his brig too! The crowd accepted the offer; the three offenders went on board "with hats off," and lighted torches in their hands, and set fire to their own property, and so the tea and the *Peggy Stewart* were consumed in one holocaust. Such a story must dispose of the stock explanations of "designing demagogues," "agitators," few in number, yet able to inflame a whole people, otherwise quite contented. If the movement against the tea duty had not been very genuine, not all the agitators the

[1] *Diary.*

world ever saw could have prevented a reaction after such a scene as this. The main body of the people must have been convinced that their interests were at stake, and that the tea duty was part of a vital question, affecting the future of the whole continent of North America—the question whether that continent was to be farmed out in the interests of an island three thousand miles away, or was to develop on natural lines, untrammelled by unnatural restraints on her manufactures and commerce.

CHAPTER XL

THE FIRST CONTINENTAL CONGRESS

"I do not wish to come to severe measures, but we must not retreat. . . . I have no objection afterwards to their seeing that there is no inclination for the present to lay fresh taxes on them, but I am clear there must always be one tax to keep up the right, and as such I approve of the Tea Duty."—*The King to Lord North*, Kew, Sept. 11, 1774.

"Resolved, *nem. con.*, 2. That our ancestors were at the time of their emigration . . . entitled to all the rights, liberties, and immunities, of free and natural born subjects within the realm of England.

"Resolved, *nem. con.*, 3. That by such emigration they neither forfeited, surrendered, nor lost, any of those rights.

"Resolved, 4. That the foundation of English liberty, and of all free government, is a right in the people to participate in their legislative council."—*Resolutions of the American Congress*, 1774.

"At the conclusion of the late war . . . a plan for enslaving your fellow-subjects in America was concerted. . . . Prior to this . . . you restrained our trade in every way that could conduce to your emolument . . . we nevertheless did not complain. . . . We believe there is yet much virtue, much justice, and much public spirit in the English nation,—to that justice we now appeal. . . . Place us in the same situation that we were in at the close of the last war, and our former harmony will be restored."—*Memorial to the British People*, Oct. 25, 1774.

THE First CONTINENTAL CONGRESS met at Philadelphia, in Carpenters' Hall, on the 5th of September, 1774. The first President of Congress was Peyton Randolph, of the old historic Randolphs of Virginia, who boasted that in their veins flowed the blood of Pocahontas. Twelve out of the thirteen provinces were represented —Georgia alone hung back.[1]

They began by a sort of Declaration of Rights :—

"The inhabitants of the English colonies in North America, by

[1] They are officially described as "The good people of the several colonies of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Newcastle, Kent, and Sussex on Delaware, Maryland, Virginia, North Carolina and South Carolina, alarmed at the arbitrary proceedings of the British Parliament and administration, having severally elected deputies to meet and sit in general congress in the city of Philadelphia, etc."—*Proceedings of the American Congress.*

the immutable laws of nature, the principles of the English constitution, and the several charters or compacts," are entitled to all the rights possessed by their ancestors, as English subjects — rights never ceded nor forfeited—and "are entitled to a free and exclusive power of legislation, in their several provincial legislatures, where their right to representation can alone be preserved, in all cases of taxation and internal policy, subject only to the negative of their sovereign in such manner as has been heretofore used and accustomed."

There was much discussion as to whether they should admit the principle of the Navigation Acts; Virginia had never meant to accept them. Duane of New York now proposed it, and at last John Adams was persuaded to acquiesce; and so it was resolved that they "cheerfully consent to the operation of such acts of the British parliament as are, *bona fide*, restrained to the regulation of our external commerce, for the purpose of securing the commercial advantages of the whole empire to the mother country, and the commercial benefits of its respective members; excluding every idea of taxation, internal or external, for raising a revenue on the subjects in America, without their consent."

There was much more in the same strain—of the right to be tried by their peers, according to the Common Law of England; the right to assemble peaceably, to consider their grievances, and to petition the King. They also resolved, that a standing army, kept in time of peace, without the consent of the colony, is against law.

There were fifty-five members of Congress—each province had sent as many as it pleased. The question of population at once came up. Patrick Henry said it was unjust that a little colony should have an equal vote with a large one. A delegate from New Hampshire replied that the little colony, too, risked its all. From this discussion we obtain some idea of the population of the North American Colonies in 1774. The total was given as about 3,000,000. But this was far from accurate—the backwoodsmen had never been counted. The actual returns were, Whites, 2,100,000; Blacks, 500,000.[1]

When Patrick Henry had said, in the opening speech, "I am not a Virginian, I am an American," the Colonies began to be an organic whole; though it was to be many a long year before the

[1] Population of the Colonies in 1774, as given to Congress on this occasion. By an account of numbers in Connecticut on Jan. 1, 1774—in the whole six counties, 191,393 whites, and 6464 blacks.

welding was complete. It was finally decided that each colony should have one vote, irrespective of size.

The next question was, whether Congress should be opened with prayer. Some, like Washington, were Episcopalians, others were Congregationalists. Samuel Adams said he was a Congregationalist, but "could hear a prayer from any man of piety and virtue, who was a friend to his country." Dr. Duché, an Episcopalian, was appointed, and prayers were to begin to-morrow.

This day's proceedings were rudely interrupted—an express came from Putnam to say that Gage had made an attack on the people, that Massachusetts and Connecticut had risen in arms, and that Boston was being bombarded.

The bells of Philadelphia rang a muffled peal. The Psalm for the day seemed strangely appropriate,[1] and the Chaplain was so moved that he broke out into a fervent extemporary prayer, worthy of a New England divine—of Dr. Cooper himself. It was soon found that the rumours were grossly exaggerated, but the extreme gravity of the situation was evident to all.

Congress voted that eleven[2] Acts of Parliament, or parts of Acts, were such violations of Colonial rights, that their repeal was "necessary to restore harmony between the colonies and Great Britain"; and resolved to import no merchandise from Great Britain and Ireland after December 1, 1774, nor export any thither after September 10, 1775. Two of the South Carolina delegates withdrew over this—Carolina would be ruined. Rice was then exempted, and the delegates returned.

Congress refused to petition Parliament, but drew up a Petition to the King, and an Address to the People of Great Britain. They knew that there must soon be a new Parliament, and they hoped by an appeal to the Electors to secure one in which other counsels should prevail. But it was a resolution of October 8 which made the King resolve to make no concession. This resolution approved the opposition of Massachusetts to the execution of the late Acts, and declared that if force were used against her, "all America ought to support her." This was enough for the King. The faintest semblance of concerted action had

[1] Psalm xxxv.: "Plead Thou my cause, O Lord, with them that strive with me: and fight against those that fight against me."—See John Adams' letter.

[2] The Acts chiefly complained of were, 4 Geo. III, 15 & 34; 5 Geo. III, 25; 6 Geo. III, 52; 7 Geo. III, 41 & 46; 8 Geo. III, 22.

always been denounced as the sure sign of intended rebellion—as, in fact, in itself a kind of treason.[1]

The 10th of May, 1775, was appointed for their next meeting; and on October 29, the First Continental Congress broke up. The policy inaugurated by the Stamp Act had in eight years brought twelve of the thirteen colonies to the verge of armed rebellion.

[1] One more act of the First Congress must be mentioned. In 1770, the King had forbidden the Governor of Virginia, "on pain of his highest displeasure," to assent to a law just passed by that Assembly against the slave-trade. Congress now passed without opposition a covenant to discontinue that trade wholly, from the 1st of December next.

It is to this that Granville Sharp refers in a letter to Lord Dartmouth, Dec. 4, 1774. He says that had the warning he sent Lord North three years ago concerning the African slave-trade and maintenance of slavery been regarded he believes the present misunderstanding would not have happened. Sharp says he has carefully examined "the nature of the pretensions on this side the water and their legality," and in a short time will lay before Dartmouth "proofs in favour of the much injured Americans."—*Hist. MSS. Comm. Report XIV*, App. 10, p. 236. This letter is explained by a previous entry (p. 113) of "an Order of the Lords of the Committee of Council for plantation affairs," dated Dec. 19, 1772, referring to the consideration of "this Board an Address of the House of Burgesses of Virginia to the King, praying that the Gov^r. of that Colony may be permitted to assent to such Laws as may check the importation of Slaves from the Coast of Africa into the said Colony." The Address was read Jan 25, 1773. It appears to have been dated about May 1, 1772. (The originals of these papers are in the Record Office, America and W. Indies, vol. 210, fols. 91 and 95.)

CHAPTER XLI

THE BILL OF FAMINE AND WAR

"Lord North expressed himself in higher terms than ever upon the news from Boston. . . . 'I will venture to tell you Parliament was dissolved on this account—that we might, at the beginning of a Parliament, take such measures as we could depend upon a Parliament to prosecute to effect.'"—Hutchinson, *Diary*, Nov., 1774.

"Our conduct has been that of pert children; we have thrown a pebble at a mastiff, and are surprised it was not frightened."—*Horace Walpole to Conway*, Dec. 15, 1774.

"Nothing can be more calculated to bring the Americans to a due submission than the very handsome majority that at the outset hath appeared in both Houses of Parliament."—*George III to Lord North*, Jan. 23, 1775.

"Mauduit expressed his astonishment and indignation at the Colony Agent's admission into the House of Commons to hear the debate. Yesterday Lord Clare was so unguarded, as, in answer to the motion to allow of flour, etc., to say: 'We must pinch them; they must be compelled to submit without delay. If they are able to hold out, we know that we are not. What's done must be done at once, or they will finally conquer.' Franklin all the while in the gallery, staring with his spectacles; and no doubt, before this time, the relation of this speech is on its way to America."—Hutchinson, *Diary*, March 9, 1775.

"Such governors as have made themselves so odious that they can no longer remain with safety to their persons, *recall*, *reward* them with pensions. You may make baronets of them too. . . . If you are told of discontents in your Colonies, never believe that they are general, or that you have given occasion for them. . . . Lastly, invest the *general of your army in the provinces* with great and unconstitutional powers, and free him from the control of your own Civil Governors."—Franklin, *Rules for reducing a Great Empire to a Small One.*

SINCE the accession of George II, only one Parliament had been dissolved before its time, and that was in 1746, the year after the Rebellion. The Thirteenth Parliament had still six months of life in it, but it was thought better to dissolve at once, "in order to remove all danger of a departure from such measures as may be found necessary"—in other words, the new Parliament was to be hurried into existence that Ministers might be sure of a free hand in America. There was also another reason. The Civil List was bound to come before Parliament very soon—the King's butchers, bakers, and grocers, his cooks and his footmen, were clamouring

for their due. A Parliament just about to face its constituents would be afraid to be generous with the public money. Better let a new Parliament, with a long life before it, deal with the business, and give the country time to forget it before another Election. Another reason, perhaps, was a wish not to give Opposition too much time to prepare. A few constituencies had been getting up a "test" for candidates — pledging them to promote Bills for shorter Parliaments, for the exclusion of placemen and pensioners, and for more fair and equal taxation—also for repealing the last American Bills, and the Quebec Bill. The freeholders of Middlesex had offered this test to Mr. Wilkes and Sergeant Glynn, and they had signed it.

There were a few who hoped that the premature dissolution indicated an intention to conciliate America—the old Parliament had swallowed so many of its own measures, that it was impossible to ask it to swallow any more. But the English people had been told that Massachusetts refused to pay a few thousand pounds for property destroyed by a mob; and refused to accept a revision of her Charter, because she was conspiring with other colonies to become independent.[1] There was an unaccountable apathy among commercial men.

The traffic in seats was brisk—though less so than last time, when the East India Company was the purchaser. Candidates were less afraid to spend upon their free and independent electors—they had had time to study the Grenville Act; and as it was certain that the Government would be in want of votes, they might reckon on seeing their money back. But the people gained two victories[2]

[1] Even those merchants who are most likely to be overwhelmed by any real American confusion, are among the most supine. The character of the Ministry either produces or perfectly coincides with the disposition of the public.—*Burke to Lord Rockingham*, in the autumn of 1774.

[2] Notwithstanding the surprise, and shortness of the time, some of the elections were contested with extraordinary perseverance and ardour.—*Ann. Reg.*, 1774.

The selling of seats, however, was still a regular business. On Oct. 5, 1774, North desires Cooper to tell Lord Falmouth, "in as polite terms as possible," that North wishes to "recommend" to three of Falmouth's six Cornish seats. The terms, he expects, are £2500 a seat, to which North is ready to agree. But the same day North writes to Robinson that his "noble friend is rather shabby in desiring guineas instead of pounds," but North "would not let the bargain go upon so slight a difference." Among other interesting particulars we learn that Mr. Legge can only afford £400. So, "if he comes in for Lostwithiel, he will cost the public 2000 guineas." Gascoign shall have the refusal of Tregony, if he will pay £1000, "but I do not see why we should bring him in cheaper than any other servant of the Crown." On

—Edmund Burke was returned for Bristol, pledged to support conciliation with America, subject to the preservation of British supremacy. And when Middlesex once more returned John Wilkes, the King himself was too tired of fighting "that devil," to try to keep him out any longer. Wilkes and Middlesex were more obstinate than King George III. So after a ten years' struggle, Wilkes forced his way back to the House, and presently was elected Lord Mayor of London.

The Fourteenth Parliament was opened by the King in person, on the 29th of November, 1774.[1] The Speech from the Throne fitly ushered in its proceedings—fiercely denouncing the Americans, and passing over in silence the Partition of Poland. In each House, Opposition made a gallant but ineffectual effort to prevent American affairs from being dealt with until the whole of the papers were laid before Parliament; but their motion was lost in the Commons by 264 to 73.

To avoid alarming the nation too soon, the Estimates were made very low—4000 men less than usual for the Navy, and the Land-tax kept at three shillings. Opposition asked where the men for America were to come from? Were they to be taken from our guard-ships? It was significant that those who were most eager to employ force against the colonists were the most unconcerned about home defence. Burke compared the House to a dead, senseless mass, which had neither sense, soul, nor activity, except as derived from the Minister. But, he said, "there is system in this"—they despise Parliament, but they will come to it when they have blundered.

Governor Johnstone said, before we voted the Estimates, we ought to know what Government intends to do with regard to America. Otherwise, while we are thinking of depriving our fellow-subjects of their just rights in America, we may, as a proper punishment, lose our own. He reminded those "who conceive that men ought to yield their rights," because they are distressed, of what "the late Parliament of Paris had endured." Those worthy patriots have secured to their country more essential rights "than have been obtained by three civil wars." Speaking of taxation and representation, he put an odd dilemma—"Can any position appear more ridiculous to those who maintain the doctrines of virtual representation, than that a borough should

November 19, Robinson is to let Cooper know whether he promised Masterman £2500 or £3000 for each of Lord Edgcumbe's seats.—*Hist. MSS. Comm. Report X*, App. 1, Abergavenny MSS.

[1] The Thirteenth Parliament was dissolved, September 30.

send two members to parliament, without house or inhabitant? Many who hear me, and are strenuous against American Charters, sit for such boroughs! Legislation can exist without the power of taxation—Ireland is a proof. Mr. Rigby, posed with this argument last session, said, 'We could tax Ireland.' I remember there were some gentlemen in the gallery, whom I immediately perceived, by the contortions in their countenances, to be Irish members." Next day Rigby had apologised—no parallel could be drawn between Ireland and America, "for Ireland had a paraphernalia." This satisfied both the English and Irish members."[1]

Efforts were not wanting to ward off the impending calamity. Franklin, his old friend Dr. Fothergill, a London physician in a large practice, and David Hartley, laid their heads together, and drew up a paper which they called "Hints for Conversation"—really the draft of a treaty for conciliation. It had been shown to Dartmouth, who approved it. But Sandwich's attack on Franklin put an end to the idea. Early in 1775, Chatham made a last attempt to persuade Rockingham to attempt the repeal of the Declaratory Act—that Act which Franklin had said would be quite harmless, if never enforced. But this, too, failed.

In the very last days of 1774, Dr. Franklin—who since the affair of the Letters had attended no meetings of Council, and had remained in England at great personal risk—had a number of informal interviews with Lord Howe, to discuss proposals for an accommodation. These proposals were briefly: Massachusetts to pay for the tea, and England to repeal all the Acts complained of. But all came to nothing. There is the testimony of Thomas Jefferson that North said: "A rebellion was not to be deprecated on the part of Great Britain;" and that when this remark was

[1] "A short answer was given by a blunt Mr. Van. 'The Honourable Gentleman (Burke) has been strewing flowers to captivate children. I have no flowers, Mr. Speaker, to strew: all I have to say is, that I think the Americans are a rebellious and most ungrateful people, and I am for assuring the King that we will support him in such measures as will be effectual to reduce them.' The honesty of the man and his singular manner, set the whole House into a balloo! and answered Burke better than Cicero could have done with all his eloquence."—*Hutchinson to Mr. Sewall*, Dec. 10, 1774.

"There's a strange silence upon American affairs, to me unaccountable, considering the importance of them, unless it proceeds from amazement. It is whispered that Lord N. in the Cabinet, is more backward than most of the rest of the Ministers."—Hutchinson, *Diary*, Dec. 19, 1774.

"Cornwall attributed the delays which attended business of all sorts to Lord North consulting so many persons, who are of very different opinions; he remains undecided, and after he appears decided, is apt to change."—HUTCHINSON, March 11, 1775.

repeated to Franklin, in disgust and despair he ceased to negotiate with Howe.

When, on January 19, 1775, the American papers were laid before the House, the unwillingness to show them was explained. One Governor after another wrote of the determination of the colonists not to submit to the late Acts. The letters were not only from Gage of Massachusetts—besides his alarming accounts of the proceedings of the General and Provincial Congress, the mandamus Councillor disturbances, the people exercising themselves in arms, and getting ammunition and artillery "wherever they can procure them, good or bad," Wentworth of New Hampshire had to tell of the surprise of Fort William and Mary, and the taking away of the stores; Wanton of Rhode Island frankly confessed he had no power; Colden of New York—the most hopeful of all the Governors—wrote that "if not rescued, the colonies must soon fall into distraction and a total annihilation of government"; Deputy-Governor Penn said the temper of the people was "warm," and opposition to the Acts universal—to his very great surprise, the General Assembly has approved the transactions of Congress. Lord Dunmore of Virginia wrote from his refuge on board the *Fowey*. Deputy-Governor Eden of Maryland believed his province would undergo any hardship rather than acknowledge the right of Parliament. Lieutenant-Governor Bull of South Carolina finds "an universal spirit of jealousy against Great Britain, and of unanimity towards each other." Even Sir James Wright, in Georgia, has "some mal-contents, and violent liberty-people, for whose conduct he cannot be answerable." And since the return of the delegates from Congress, the province "has been in hot water." Governor Martin of North Carolina complains that he cannot enforce even what common decency requires—Judge Drayton has made a speech to the Grand Jury, exhorting them "in the most solemn manner" to "hold their liberties dearer than their lives"; in consequence of which the Grand Jury has presented as a most dangerous grievance the power of Parliament to make laws to bind the Americans.[1]

Next day Chatham moved to withdraw the troops from Boston. The late Acts were "the proscription of a people, unheard. The people of America, condemned, and not heard, have a right to resist." Years ago Dr. Franklin had told him

[1] "There cannot be a greater error than to suppose that the present commotions in America are owing to the arts of demagogues. Every man thinks and acts for himself in a country where there is an equal distribution of property and knowledge."—*Letter from Philadelphia*, Dec. 1, 1774. (Almon.)

that the Americans would not lament anything we might do to them, "while they had their woods and their liberty." When you consider the "decency, firmness and wisdom" of the papers transmitted to us from America, you cannot but respect their cause. "I have read Thucydides—have studied and admired the master-states of the world. For solidity of reasoning, sagacity, wisdom, no body of men can stand in preference to the General Congress of Philadelphia." Attempts to impose servitude on such men must be fatal. "We shall be forced ultimately to retract—let us retract while we can, not when we must."[1]

His motion was lost by 68 to 18.

The Merchants of London and Bristol had petitioned the House of Commons for reconciliation with America. They set forth that they had exported, or sold for exportation, "very large quantities of the manufacture of Great Britain and Ireland"—here follows a list, ending "with almost every British manufacture"; together with large quantities of foreign linens and other articles, imported from Flanders, Holland, Germany, "the East Countries," Portugal, Spain, Italy, "which are generally received in these countries in return for British manufactures; they have also exported great quantities of East India goods, "part of which receive additional manufacture in Great Britain"; and receive returns from North America in "pig and bar iron, timber, staves, naval stores, tobacco, rice, furs, whalebone"—another long list. *Also wheat flour, Indian corn, and salted provisions, when, on account of scarcity in Great Britain, these articles are permitted to be imported.* They also receive "circuitously" from Ireland (for flax-seed, etc., exported from North America) by bills of exchange on the merchants of this city trading to Ireland. The Petition goes through the whole trade between America and the West India Islands, between those islands and Italy, Spain, France, Portugal, Germany, Flanders, Holland, and "the East Countries." At this moment, there is due from the Colonies in North America, to the City of London only, two millions sterling and upwards. Thousands of seamen are bred and maintained, thousands of ships are employed in

[1] At Chatham's particular desire, Dr. Franklin was present on this occasion. Chatham took the doctor by the arm, and led him to the door "near the bar, where were standing a number of gentlemen, waiting for the peers who were to introduce them, and some peers waiting for the friends they expected to introduce; among whom he delivered me to the door-keepers, saying aloud, 'This is Dr. Franklin, whom I would have admitted to the House.'"—FRANKLIN.

this trade. But in the year 1765 "there was a great stagnation in the commerce between Great Britain and her colonies," in consequence of a certain Act for granting stamp-duties. That Act was repealed next year, upon which trade "immediately resumed its former flourishing state." But in 1767 an Act was passed for granting certain duties in the British Colonies, on *tea*, and many other things, "when the commerce with the colonies was again interrupted." In the year 1770, part of this Act was repealed, when the trade to America soon revived, *except in the article of tea*, on which a duty was continued, "whereby that branch of our commerce was nearly lost." In the year 1773, an Act passed to allow of a drawback of the duties on the exportation of tea to his Majesty's Colonies in America, and to empower the East India Company to import tea duty free; "and by the operation of these and other laws," the minds of his Majesty's subjects in the Colonies have been greatly disquieted, and a total stop is now put to the export trade with the greatest and most important part of North America. The petitioners are threatened with grievous distress, and thousands of industrious artificers and manufacturers with utter ruin. But they put their trust in the new Parliament to apply healing remedies.

Meredith—bought over by a place in the Household—tried to gain time by referring the Petition to a special committee,—an inquiry would cause delay,—there was still hope of quenching the flames in America, if proper and effectual means were applied. North again protested that he had only meant to serve the Company—who had such a great quantity of tea in their warehouses. He could not foretell that the Americans would resist being able to drink their tea 9d. a pound cheaper. Johnstone said he could not sit still and hear the noble lord plume himself on wishing to oblige the Company—it was notorious that the Company asked him to repeal the duty of 3d. a pound on the exportation, and offered to let Government retain 6d. if the 3d. was remitted in America. The noble lord had admitted that the tea was as much an anti-commercial tax as any of the rest. "I know," said he, "the various intrigues, solicitations, and counter-solicitations, that were used to induce the chairman and deputy chairman to undertake this rash and foolish business."

There was another petition from the Merchant Venturers of Bristol, and a third from the Merchants of Glasgow. All were referred to the Committee, and no more was heard of them.

On the 1st of February, Chatham moved his "Provisional Act for Settling the Troubles in America." It gave the sole right of

levying taxes to the provincial Assemblies; authorised the meeting of the General Congress in Philadelphia, on the 9th of May next, to consider making due recognition of the supreme superintending power of Parliament, and a free grant to the King, his heirs and successors—to be applied by Parliament to the alleviation of the National Debt. This "just and free aid" to be "in such honourable proportion" as becomes great and flourishing Colonies towards a parent country labouring under the heaviest burdens, of which no inconsiderable part have been taken on ourselves "for the defence, extension, and prosperity of the colonies." It also repealed all the obnoxious Acts.

Sandwich, "in a petulant, vehement speech," opposed this plan—it ought to be immediately rejected with contempt. He could never believe it the production of any British peer—it appeared to him to be the work of some American—"here he turned his face towards Dr. Franklin, who was leaning on the Bar, and said he fancied he had in his eye the person who drew it up—one of the bitterest and most mischievous enemies this country had ever known."[1]

The Address to the King "upon the disturbances in North America," assured him of the Commons' "fixed resolution, at the hazard of our lives and properties, to stand by his Majesty against all rebellious attempts, in the maintenance of the just rights of his Majesty and the Two Houses of Parliament."

During the debate,[2] North compared the burdens of America with those of England. Our taxes amounted to 10 millions, those of America to £75,000. Reckoning ourselves at 8 millions ("supposed"), and the colonists at 3, this was 6d. a head annually for them, and at least 25s. for us. On this occasion Colonel Grant said he was certain the Americans would not fight—he had served in America and knew them well. They would never face an English army—they had none of the qualifications that make a good soldier. He ridiculed their "enthusiasm in

[1] Franklin says, "This drew the eyes of many lords to me, but as I had no inducement to take it to myself, I kept my countenance as immoveable as if my features had been made of wood." Franklin says he found it harder to keep his countenance when Chatham, in claiming the Bill as his own, alluded to the gentleman so injuriously reflected on as one whom all Europe held in high estimation, and ranked with our Boyles and Newtons.

[2] Feb. 2, 1775, Hutchinson went to the House, but the disturbance in the lobby was so great, that members were stopped coming in, and Lord G. Cavendish moved the gallery should be cleared. It was a late sitting. At 10 o'clock Hutchinson returned, and found the House still up, and expected to sit till 3 or 4 in the morning. Franklin, "who seemed in great agitation," passed him in the lobby. About 430 members were present.—Hutchinson's *Diary*.

religion," and their disagreeable manners and way of living. Fox spoke "better than usual," on the inexpediency, injustice, and folly of the motion, and prophesied "defeat on one side of the water, and ruin and punishment on the other." Wilkes, after saying that "successful resistance is a revolution, not a rebellion," added, "Who can say whether, in consequence of this day's violent and mad Address to his Majesty, in a few years the independent Americans may not celebrate the glorious era of the revolution of 1775, as we do that of 1688?" Many other warnings were uttered—of the dangers to be feared from France and Spain, when they should see us embroiled; of the dangers of a struggle with our Colonies, where victory could but bring with it perpetual resentment. But Charles Fox's Amendment was lost by 105 to 304, and the angry and foolish Address was agreed to.[1]

The justice of the strictures on the low Estimates was soon seen. On the 10th the King sent a message to say that "for supporting the just rights of his Crown" some addition to his forces by sea and land would be necessary.

Then the House went into Committee on the American papers, and North moved the dreadful Bill for "Restraining the Trade and Commerce of the New England Colonies"—a Bill to prohibit the whole of New England from fishing on the Newfoundland Banks. North said the "restraints of the Navigation Act were the colonists' charter, and the relaxations of that law so many acts of grace and favour—when the colonies cease to merit these, it is but reasonable to recall them. The Newfoundland Fisheries are our undoubted right; we may dispose of them as we please. The Act is to be temporary, and exemptions will be granted to particular persons, on the Governor's certificate of their good behaviour."

Governor Johnstone said that Nature had given that Fishery to New and not to Old England. The Bill was to starve a whole people, except such as a Governor might favour.

North's Bill "for Conciliating the Differences with America"[2] was a mere impudent juggle with words. It allowed the Provinces to tax themselves "to our satisfaction." When the Governor, Council and Assembly of any province shall propose to make provision for "contributing to the common defence," it will be proper, if such proposal is approved by his Majesty, to forbear to levy any tax or duty, except such as are "expedient" for the regulation of

[1] Horace Walpole calls this vote (of February 2, 1775), *a vote for a civil war.*

[2] February 20.

commerce — the expediency referring of course to the interests of Great Britain. North thought that this took away all ground of suspicion as to the purpose to which the money would be appropriated. He recognised that there were purposes "for which the Americans would never grant it." It may be said, Shall we treat with rebels? But I am not treating with rebels—it has never been said yet that all Americans are rebels. There is a rebellion in Massachusetts, but I should be happy to open the door to the rebels' return to their duty.

A storm of ridicule broke from Opposition. Governor Johnstone reminded Ministers how they had once charged the East India Company £11,000,000 for ships, forces, etc., sent to their assistance, "but owned afterwards it was not so much." Perhaps the millions now so roundly charged to the account of America were also not so much.

On this futile Bill, which only said it would not be "proper" to take from the Americans more than the King wanted to take, one very illuminating speech was made. It was Governor Pownall's and it throws a light far back into the past of our Colonial policy.

Some idea of rendering the Colonies more subordinate to the Crown plays a considerable part in pre-revolution Colonial history. Several of the Royal Governors of Massachusetts, in particular, attempted this—Andros, Dudley, and, later, Shirley. Shirley is described as an enterprising man, who saw in the growing prosperity of the colony an opportunity for aggrandising himself, by promoting the interests of the British Cabinet. It is significant that his chief Ministers were Hutchinson and Andrew Oliver, who were afterwards to gain so unenviable a notoriety; and his advisers were Russell, Paxton, Ruggles, and others—almost every one of whom took a leading part in supporting the attempt of the Grenville Ministry to tax America. Governor Shirley sounded the Commissioners who met at Albany, in 1754, to settle matters with the Six Nations of Indians.[1] A union of the Colonies was being talked of, as the danger was very great from the French and the "wavering" Indians—who sometimes made common cause with the French against the British. In the course of this discussion at Albany the question of taxation for defence was raised.

[1] Franklin was at Boston in 1754, and Shirley told him as a profound secret "the great design of taxing the colonies by Act of Parliament." Franklin gave in writing his reasons against the scheme. One was, "The people always bear the burden best, when they have, or think they have, some share in the direction." The project was abandoned, Shirley was removed, and Pownall became Governor. Bernard succeeded Pownall.

Pownall, who had now made his peace with North, began with an apology—he had always been an advocate for the Colonies, not their accuser, like some governors. "I had early opportunity of seeing the commencement of this business. I was at the Congress held at Albany in 1754. I had the means of knowing the real opinions of some of the first men of business and ability in that country. I saw that a crisis of this nature was then taking its rise . . . the whole scope therefore of my conduct whilst I was employed, and of every opinion I have given, whenever I have been listened to, has been to advise such modes of policy, as might prevent matters coming to the point at which they are now arrived." But now the Americans are actually resisting the Crown and Parliament —they are "opposing rights which they always acknowledged," they are arming; and we must arm too. We must oppose force to force —the Americans have made this necessary. And then, to justify the oppressions of to-day, he went on to show that we had always oppressed them. While denouncing rebellion, he quoted a precedent from rebels! "I refer myself to the parliament that sat after the execution of Charles the First, when the government was formed into a republic"—with totally unconscious humour, he added, "a parliament that perfectly understood the distinction between that resistance which is justifiable, and that which is rebellion." The Colonies stood for the King, and declined to obey the Parliament, they "revolted from the government of the state, denied the authority of parliament, and set up a government of their own." As though determined to make the Americans understand that the form of government which happened to prevail here would make no difference in the treatment the Colonies might expect, he declared that the case was not very different from the present.

"See, then, what was the method taken by that parliament: they made a law totally to prohibit from trade Virginia, Barbadoes and the rest of the Colonies under that revolt."[1] "It is a precedent which has weighed with me for acquiescing in the Port Bill and the Restraining Bill."

Then he praised North for his humanity in not driving the Americans to desperation. "And now I wish the Committee would attend to what I am going to say"—America must in future be governed under a constitution that must be settled by compact—

[1] Pownall read the Act. It passed on October 3, 1650. It prohibits Virginia, Barbadoes, Antigua, the Bermudas, St Christopher's, and other islands, "from any manner of commerce or traffic with any people whatsoever"; and forbids "all manner of persons, foreigners and others, all manner of commerce, traffic and correspondency whatsoever."

otherwise this country "must hold its dominion there by the tenure of war, and that will cost more than they are worth, and finally ruin both." The whole trade must be regulated, or you will have endless disputes. "*Their Charters cannot be considered as such compact*;" for if so, the King making terms with parts of his dominions might "dismember the empire, and set all the various parts of it together at variance and in war." Parliament must interfere, and give the Colonies, once for all, "such a constitution as is fit for such dependent communities within the empire,"—just as was done in the union "of the two parts of the present kingdom."

After much perfectly empty debate, the Conciliatory Propositions were agreed to. They were, as Dunning well said, "futile and treacherous."

The Bill to take away the Fishery was again discussed. It was said the people could not subsist. Dundas, Solicitor-General for Scotland, replied that whether the people could subsist or not was no part of his consideration. The Act was coercive, and the speediest operation was the most effectual. Lord John Cavendish said he was shocked at "the perfect ease and alacrity with which they voted famine to a whole people." He supposed to kill by starvation was not sanguinary—"provided you do not shed a man's blood, you may destroy him gently any other way."

On this Bill, witnesses were examined before the House of Lords. One "Mr. Benjamin Lister of Poole," and his friend Captain Davis, were very earnest for the Fishery to be taken away for ever—"it would be a benefit to Great Britain." It appeared that it would also be a gain to Mr. Benjamin Lister of Poole, and to Captain Davis. Davis told the Lords he had already "enlarged his capital," and would enlarge it more if the Bill passed. The town of Poole was petitioning for the Bill.

And now a flood of pamphlets[1] was poured out from the Press, to influence the public mind and stifle opposition to these measures. The country gentlemen were "anti-American" almost to a man; but the common people abhorred the thought of war with America, and the merchants, aroused by the danger, were petitioning for conciliation.[2]

Then came Burke's Resolutions for Conciliation, and his great speech of March 22, 1775. In this speech he gave the figures of our Colonial exports—six millions in 1772. And in 1704 our whole exports were but six and a half millions. He adverted to the wonderful fact that for nearly a year "a vast province has sub-

[1] Dr. Johnson's *Taxation no Tyranny* appeared now.

[2] Camden's Letter to Chatham, February 12, 1775.

sisted in a considerable degree of health and vigour, without governor, council, judges, or executive magistrates." Perhaps these things are not of the importance we imagined? Or perhaps there are things more important still? We learn from this speech that there had been a proposal to "reduce the high aristocratical spirit of Virginia and the southern colonies," by emancipating their slaves. "An offer of freedom from England would come rather oddly, shipped in an African vessel with a cargo of three hundred Angola negroes, and the Captain publishing his proclamation of liberty, at the same moment that he advertised the sale of his slaves!"

As before, overwhelming majorities rejected Burke's proposals.

Lastly came David Hartley, who in a strong speech restated the wrongs of the colonists. In 1767 Lord Hillsborough's Circular Letter promised never to raise a revenue by taxation; but now Lord North boasts that he has put the question on the true ground—a demand for a substantial revenue. Hartley reminded the House of the services the Americans had rendered in the late war. They turned its fortune, "at both ends of the line." Hence the annual compensations and compliments—up to March, 1763, since when they are represented as a burden on the common cause. They took Louisburg from the French single-handed—dragging the cannon over a morass, and carrying the shot on their backs. They conquered Arcadia and Nova Scotia. Much more they have done, and in return we have kept watch and ward over their trade, to see that they should only buy from us, and at our own price. The preambles of the Navigation Act, and all the American Acts, avow the interests of Great Britain as the object. If the Colonies make a hat, or a piece of steel, an Act of Parliament calls it "a nuisance." "I call your Statute Books to witness."

Hartley's proposal, like all those which were *bona fide*, was to go back to the former state of things, and pass an Act of Oblivion over "these unfortunate troubles." "Make your requisitions free," said Hartley, "let them be founded on reason and justice; no subjects will be deaf to reason, justice, and common interest. It is the right of all free-born subjects to decide upon the necessity or application of the money required of them. A refusal, in a reasonable case, is as yet without an example."

But his motion was negatived without a division. So were his three motions for the repeal of the late Acts.

This was not enough. On March 30 another Bill was brought in, "to Restrain the Trade of the Southern Colonies of America." North said, as the Southern Provinces had joined in Non-

importation, it would be partiality not to treat them like New England. In the Debate — besides the strong representations from Opposition on the folly and wickedness of this attempt to starve a Continent into obedience—a great deal was said about America as the nursery for the British Navy. Ministerialists asserted that if our trade increased by this destruction of American trade, we should have a greater number of seamen. Mr. John Luttrell denied this. Very few American seamen returned in English vessels from America—fortunately so, for we have no employment for them, and they would be a burden upon us. He appealed to the naval members to say whether we did not impress American seamen in every part of the world, whenever the service required men? American seamen have been considered so "intermixed with the seamen of this country," that no commanding officer has thought of enquiring into their numbers — the idea would have been thought ridiculous and dangerous. True, you cannot lay hands on them in the first half-hour, but you can get thousands of them as quickly as you could recall English seamen from foreign service. He then spoke of the practical impossibility of seizing American vessels, or discovering false clearances or certificates. "There are those that hear me, who perfectly well remember the dexterous tricks practised in the late war, by almost every nation."[1] Then, too, the King's ships cannot keep the sea in safety for more than half a year, on the northern coasts of America, and the Americans know every shoal, sounding, rock and creek — it is not very pleasant for a King's officer to risk his ship on a lee-shore that he does not know—not to pursue an enemy, but to destroy a friend.

On the third reading (April 5), the Marquess of Granby made a passionate appeal to the House. "In God's name, what language are you holding out to America! 'Resign your property, divest yourselves of your privileges and freedom, renounce everything that can make life comfortable — or we will destroy your commerce, and if you express the sensations of men at such harsh treatment, we will declare you in a state of rebellion, and put yourselves and your families to fire and sword!'"

Much was said of the hard case of Nantucket—an island almost entirely inhabited by Quakers, who had taken no part in resistance.

[1] A letter of Sir George Rodney in 1782 to Aretas Akers, agent for the prisoners of war at St. Christopher's, states that "in the last war" (*i.e.* the Seven Years' War), "flags of truce were got for 30 Johaneses, to go to other islands, and were the means of treasonable correspondence being carried on."

Seth Jenkins, "a Quaker,"—one of the witnesses,—said the people could not subsist above a month if the fishing were cut off. "No other men could carry on the whale fishery, as they do not understand it, nor could the people of Nantucket get employment from others; their craft would be entirely lost."

In the Lords, on the 16th of March, Camden warned them that this Bill would produce war—civil war. The fishery is not only the trade, it is in a great measure the food of New England. You first inflicted a general punishment for a particular fault. From their trade you went to their municipal rights, their constitutions, their charters, their liberties. "And now this Bill of Famine and War finishes the climax of severity." Other counsels have been given, but they were rejected with disdain, though they came from a personage whose character gave them authority—from a great man, the greatest perhaps that this age or this country has produced—to whom this country owes her present prosperity, "and I am sorry to say it, her pride of conquest, which has infatuated her with the ideas of victory and certain success." You have listened rather to Mr. Benjamin Lister of Poole and his brother politician—they have instructed your lordships in the political system of Great Britain and America. They have satisfied you that the fishery now carried on by New England can be supplied and continued by men and ships from Great Britain and Ireland. And why? "Because, my lords, Mr. Lister of Poole, and his friend Captain Davis, are to get two or three hundred a year by this Bill."

Sandwich did not think Camden could be serious as to the impracticability of conquering America. "Suppose the colonies do abound in men, what does that signify? They are raw, undisciplined, cowardly men. I wish there were 200,000 of them, instead of only 40 or 50,000—the more the better—if they didn't run away, they would starve themselves into compliance. Sir Peter Warren told me that at the siege of Louisburg, to try the courage of the Americans, he put them in the front—they pretended to be very much elated, and boasted what mighty things they would do—but when the moment came, every one of them ran away, and threatened to go home, if the British soldiers were not put in front. I can tell the noble lord, all Americans are like these fellows—the very sound of a cannon would carry them off."

In the course of the Debate in the Commons, Alderman Bull made a very interesting statement about tea—"the occasion of these unhappy disputes." He said the Company wished to send their tea to Europe as well as to America, and applied for an Act for that purpose. Bull was consulted by a Director, but thought the scheme

a wild one, which could not be carried out, and if it could, would only injure the Company, as they could not sell their tea at so high a price as at home. This Director was well aware that the Americans would not receive the tea—would think it was sent "to ensnare them," and "would most certainly destroy it." Yet what were the Company to do with "their great load of tea"? And how raise the money they were so distressed for? It was proposed to hold two sales—one in March, the other in September, and to put up the whole stock. Each sale was expected to produce about £1,200,000; so the Company hoped to manage without borrowing the £1,400,000 they wanted. It was said they had six years' consumption rotting in their warehouses—the real fact was, that they had 16 and a half million pounds' weight, none of which had been more than a year and a half in their warehouses, most was only last year's tea; none had suffered by keeping. The annual consumption, on the average of the last five years, was 8 million pounds; so they only had enough for two years, not six. If these sales had taken place, Bohea—the principal sort in demand for exportation—would have fallen 4d. or 5d. a pound, which might have increased the demand for export-and-home consumption up to 12 million pounds per annum. Bull thought it would, "because the four foreign East India Companies, the Dutch, Danes, French and Swedes, annually import more than 8 millions, though it is known they do not themselves consume near half that quantity"—the rest is smuggled to England, Scotland, Ireland, and America. Deducting the 9d. drawback, tea would be only 15d. a pound—only 18d. with the "fatal American threepence"—and this might have induced the Americans to receive it as before—from the merchants, though not from the Company. This would have put an end at once to all smuggling, "for neither the Dutch or any other company would think it worth their while to send tea to America, to be sold under 18d. a pound."

Bull concluded by expressing his belief that the tea was not sent to America, either to raise money for the Company, to get rid of their tea, or to prevent smuggling, "each of these ends might have been answered without offence to any individual. The purpose for which the tea went to America, and the consequence, are evident now to every man's understanding." No member rose to challenge Bull's words. The Southern Trade Bill passed by 192 to 46.

On April 11 the Company came up again, in the Debate on the "Bill to oblige the East India Company to export a certain quantity of English Manufactures." Governor Johnstone called it anti-commercial, absurd, ridiculous. It is contrary to every principle of trade to force a merchant to export what he cannot sell. "There

are now lying in the warehouses of Bengal £270,000 worth of British woollens, rotting and eating by moths"; and you want to make the Company send out more. If you want to encourage the woollen trade, you might just as well order the Company to make a bonfire of the same quantity, to entertain the mob, next time the King comes to the House. North said the Company was not obliged to send cloth—they might send more saleable articles. Burke said this was simply a tax on the Company. It was humiliating—it seemed to show that British goods are such a drug on the market that their exportation must be forced. "Nor can I see why we should feed the moths of Bengal." Why not clothe the poor here, and make the Company pay for it? Here Van broke in very rudely. The East India Company could export British manufactures, but will not, "for reasons best known to themselves." Why don't Bristol, Liverpool, and Glasgow export on their own account? Ending with a sneer at Burke as member for Bristol—"I suppose for his knowledge of trade." North said he would not allow it was a tax—it was "a mere guard for the protection of commerce; it had always been, and the Company had thriven on it." So the Bill to feed the moths of Bengal was brought in.

In the Debate on the Budget, North showed once more the lightness with which he was entering on the struggle with the Colonies. The dreadful consequences predicted by some would be easily averted by America returning to her duty. If not—the question would be a very simple one, whether she should be independent, or we should avail ourselves of our indubitable rights to secure to this nation the great benefits of our trade and commerce with America. As for a war with France and Spain resulting—France was too wise—but let her break with us if she pleased.

In May a Remonstrance from the General Assembly of New York was presented in the Commons by Burke. "Nothing," he said, "could be more decent and respectful." Apparently without a division, the House refused to consider it. In the Lords, a similar, but not identical, "Memorial" was introduced by the Duke of Manchester. Denbigh said that "memorials" are presented "from one crowned head to another"—from an American Assembly a memorial is unheard of, and ought not to be read. And by 45 to 25 the Lords refused to read it.[1]

Furious with his Colonies, furious with Chatham, the King began to prepare for "reducing" America. Sir William Howe, Burgoyne, and Clinton were made Major-Generals. Howe had just been

[1] The New York Assembly had never retracted. It was allowed to meet again.—See *Gentleman's Magazine.*

returned in the Whig interest for Nottingham, and his constituents deeply resented his going to fight the colonists. He had promised them not to go! They reminded him of his dead brother, that idolised young Lord Howe, who fell at Ticonderoga, and whose monument America had placed in Westminster Abbey. "You should have refused to go against them," wrote one indignant constituent,[1] adding a wish that if he went, he might fall. Howe, who was an amiable man, replied apologetically that he could not help himself—he was commanded to go. Chatham's eldest son resigned his commission rather than serve against America. So did Lord Effingham,[2] whose ancestor led the English Fleet against the Armada. So did Admiral Keppel. Granville Sharpe, who held a lucrative post in the Ordnance, refused to take any part in sending military stores to America, and presently resigned.

There were great preparations. "Upwards of 100 cannon, of a new construction, so light as to be carried by a man on horseback," and 10,000 stand of arms were shipped from the Tower the day the Generals sailed. A few days before orders had gone from Dartmouth to Gage to seize all Colonial forts and stores, and arrest all persons "thought to have committed treason"; and to employ force, "without waiting" to require the aid of a civil magistrate. North, whose conscience was tormenting him, also sent copies of a pamphlet which Sir John Dalrymple[3] had written for him, and had printed at the public expense. It urged submission, but definitely renounced the right of taxation! This appeared to the Americans an act of deliberate treachery, designed to keep them quiet till the army could arrive; but it was only the weak protest of North's conscience against his weak compliance with the King's will.

Franklin was present at most of the great debates upon the fate of his country. No doubt Ministers were not sorry he should be convinced that Great Britain was in earnest. It had long been the fashion to speak of him as a pick-pocket—he had even been insulted

[1] A grocer wrote less unkindly: "If you should resolve at all events to go, I don't wish you may fall, as many do, but cannot say I wish success to the undertaking. These, Sir, are the sentiments of many here, as well as of Your obedient servant, Samuel Kirk."—Nottingham, February 10, 1775.

[2] "As I cannot, without reproach from my own conscience, consent to bear arms against my fellow-subjects in America in what, to my weak discernment, is not a clear cause, . . . I humbly beg that I may be permitted to retire."—*Letter of Lord Howard of Effingham to Lord Barrington*, April 10, 1775.

[3] Sir John made one exceedingly unwise remark—referring to Rockingham's Ministry, he had the incredible folly to say, "If you are inclined to pay compliments to an administration, which we do not complain of, it is very unfair in you to withhold them from that prince, by whose nod ALONE they were permitted to do anything."

in the course of a debate. On the 16th of March, when in the Debate on the Fishery Bill, Sandwich not only called the Americans cowards, but accused them of entering into Association to escape their debts, Franklin left the House in indignation, never to return.

It was, indeed, time for him to be gone. Wedderburn was saying he ought not to be allowed to return to America. Hutchinson appears to have let North know that Franklin was going. But Franklin still delayed, hoping Chatham would do something. When all failed, the valiant old man told himself that union with Britain was unnatural—from that moment, he, for one, knew that the breach could never be healed.[1]

The three Generals sailed on April 21. Lexington had already been fought; and on the 5th of May a curious distorted rumour of it startled London. It was reported that a battle had been fought, and Gage had lost a thousand men.

The same day Franklin sailed in the Pennsylvania packet.

[1] On Franklin's last day in London he was with Priestley, looking over American newspapers, and telling him what to extract for the English Press—the tears running down his cheeks. Part of the same day he was with Burke. Before he left England, Franklin had offered to pay for the tea at his own risk, if the Acts were repealed.—*Franklin to Hartley*, February 2, 1780.

CHAPTER XLII

LEXINGTON AND CONCORD

"My Lords! the way must be immediately opened for reconciliation; an hour now lost may produce years of calamity . . . the first drop of blood shed in civil and unnatural war will make a wound that years, perhaps ages, may not heal. . . . What though you march from town to town and from province to province! How shall you be able to secure the obedience of the country you leave behind you in your progress to grasp the dominion of 1800 miles of continent? . . . We shall be forced ultimately to retract; let us retract while we can, not when we must."—*Speech of Lord Chatham on his Bill for the Removal of the Troops from Boston*, Jan. 20, 1775.

"My Lords, let the Americans talk about their natural and divine rights! their rights as men and citizens! their rights from God and nature! I am for enforcing these measures."—*Speech of Lord Gower.*

"I was expressing my concern a few days ago to a person who is near the top lest Franklin's return to America should excite to still greater acts of revolt—'Give yourself no concern,' says he, . . . 'I know the state of the nation in every part. I never knew it more united—more determined in anything than in American measures. These measures are not through Ministerial influence . . . while we continue united, the farther your people go the better: —better for us, and better for you, because your reduction will be the more effectual.'"—*Hutchinson to Chief Justice Oliver*, March 24, 1775.

By the spring of 1775, Boston was become a camp of refuge for loyalists. General Timothy Ruggles had entered into an "Association" with the loyalists of Massachusetts, for mutual defence against the rebels—a word already used by the friends of the British Government. They said that they meant to support each other in disregarding the Non-importation agreement, or, as they put it, "in the free exercise of our undoubted right in eating, drinking, buying and selling what, with whom, and as we please."

Gage was master of the body of Boston, but its soul had slipped away, and was preparing to encounter him in another fashion than of old.

Every ship from England brought news of more Acts passed against the Colonies—Acts which, if they could have been carried out, would have ruined the Colonies they were intended to bring into the old obedience. The dreadful words of the furious

Welshman, Van, seemed to have been taken literally—sooner than lose her power over her Colonies, England would destroy them. It seemed to be, "Give up your liberties—the liberties we ourselves have guaranteed to you by 'Charter and compact'—or die!"

On February 9, the Second Provincial Congress of Massachusetts (214 in number) appointed a Committee of Safety of eleven members, to resist the execution of the Acts, and empowered it to take possession of the powder and other military stores belonging to the province. From this moment, every step taken led on to the final catastrophe of an appeal to arms.[1]

A Glasgow ship had been compelled to go back from New York without breaking bulk. Pennsylvania was resolving to kill no sheep under four years old, to establish woollen manufactures; to make salt and saltpetre, gunpowder and paper ("the saving of linen rags is particularly recommended"); to make nails, wire, tin-plates, copper utensils, types for printing, and the like. The Provincial Congress unanimously approved the resolutions of the General Congress, and shut up the Law-Courts. The Provincial Congress was recommending the making of firearms and bayonets, and declaring the deepest detestation of all persons who supplied the troops in Boston with timber, spars, tent-poles, bricks, "or any materials which may enable them to distress the inhabitants." All the counties of Virginia were forming companies. In Connecticut, nothing was talked of but the appeal to arms. The Marylanders were "all in motion," holding meetings, choosing Committees, and laying in arms and ammunition.

For eight years, the Colonies had tried constitutional means—votes of their legislatures, petitions, remonstrances, appeals—and the only answer had been threats and increased exactions, until at last the British Cabinet had shown itself ready to destroy their means of living, if it could in no other way bring them to submit to laws, however foolish and injurious, passed by the Parliament 3000 miles away. Each successive Parliament had been less and less disposed to confine its interference to external trade and Colonial manufactures—interference long submitted to, as men submit to an evil which they suppose is a law of nature. But

[1] The times are got to be very serious. Great preparations on both sides for an engagement, and the sooner it comes the better—the sooner we shall get to be a peaceable people. . . . Our country people are determin'd to oppose the measures of Parliament at the risk of their all, but it is doubted whether they will fight long. Such an enthusiasm and madness of the people never was before in any part of the globe.—*Dr. Peter Oliver in Boston to Elisha Hutchinson in England*, Feb. 18, 1775.

now the colonists began to perceive that it was only a law of nature for those who could not, or dared not resist, and that those who want their just liberties must take them.

And if each Parliament came to Westminster more determined than the last to impose its will on the disobedient Colonies, each successive threat of physical force made the Colonies resolve to try what physical force there might be on their side. Gage found it impossible to build his new fort—no Bostonian or New Englander would work at it—as soon would a man have forged handcuffs for his own father; nor would any workmen come from New York. The soldiers deserted freely. The militia had never disbanded—all through the winter they had been disciplining themselves. Firearms and bayonets were being made, and a select number of the militia undertook to hold themselves in readiness to be called out on the shortest notice. They were called the "minute-men."

Gage was reconnoitring with a view to military operations. Among the things left behind by the British, when Boston was evacuated in 1776, was a paper entitled, "A Narrative of General Gage's Instructions," addressed to Captain Brown of the 52nd and Ensign D'Bernicre of the 10th, and dated Feb. 22, 1775. These officers are directed to go through the counties of Suffolk and Worcester, "taking a sketch of the country as you pass." It was not to be a regular plan, but roads, distances, nature of the country, were to be marked, "particularly all passes"—length, breadth, way in and out, and whether to be avoided by going some other road. Also "all rivers and fords, woods and heights, situations of villages and towns, churches and churchyards, whether capable of defence," or "fit for encampment." The officers disguised themselves as countrymen, "in brown cloaths and reddish handkerchiefs round our necks." Their account gives a graphic idea of the state of feeling. They were evidently excessively nervous, and not without reason. They dared neither venture into an inn kept by enemies, nor ask the way to the houses of friends. They were occasionally suspected, and once were recognised. At one place, the landlord of the inn, when asked what there was for breakfast, replied, "*Tea*, or anything they chose"—"an open confession what he was." At "Buckminster's Tavern" (near Framlingham), they heard from their window a captain of militia haranguing his men after an exercise. His advice was interesting: "he particularly told them they would always conquer if they did not break, and recommended them to charge us coolly, and wait for our fire, and everything would

succeed with them—quoted Cæsar and Pompey, brigadiers Putnam and Ward, and all such great men; put them in mind of Cape Breton, and all the battles they had gained for his majesty in the last war, and observed that the regulars must have been ruined but for them." After which he "dismissed the parade, and the whole company came into the house and drank until nine o'clock," and then went home "full of pot-valour."[1]

The 5th of March that year falling on a Sunday, was kept on the 6th. The Old South was crammed to hear Dr. Joseph Warren's oration on the "Massacre." In the crowd were forty or fifty British officers. With a just doubt of the motive which had brought them, Samuel Adams very politely asked the people in the front pews to give up their seats to these gentlemen. The officers could not refuse this civility, which probably prevented an ugly riot, for Colonel James told Hutchinson some years after that one of them was prepared with an egg, to throw at Warren if he said anything against the King. "That was to have been a signal to draw swords, and they would have massacred Hancock, Adams, and hundreds more; and, he added, he wished they had." But, planted by Adams just under the pulpit, in full view of the meeting, they thought better of it.[2]

The crowd was so great that Warren had to enter by a ladder from the window behind the pulpit. There were officers sitting on the pulpit stairs—one or two actually in it, behind the orator. Warren—unconscious how near he was to a catastrophe which would have made the 6th of March the most infamous anniversary in Colonial history—spoke eloquently on the baleful effects of standing armies in times of peace. He described the night after

[1] "Thursday, Ap. 27, 1775.—In part of a letter from Boston, in the papers of this day, it is said, that Capt. Brown, and another officer of the 52d regiment, at Boston, being sent to take a survey of the roads about that country, very narrowly escaped being tarred and feathered at Marlborough. They were entertained there by a Mr. Barnes, and, though in disguise, were discovered by a drummer, who had formerly deserted from the same regiment. The consequence was, the people assembled in great numbers, and surrounded the house; the two officers got to Boston, but Mr. Barnes' house was almost tore to pieces, and his family dreadfully frightened."—*Gentleman's Magazine*, 1775, p. 205.

D' Bernicre's account shows that this was an exaggeration. He says that Barnes came to Boston a few days afterwards, and told them the Committee of Correspondence had searched his house, but makes no mention of any damage.

[2] Hutchinson's *Diary*. He adds, "I am glad they did not; for I think it would have been an everlasting disgrace to attack a body of people without arms to defend themselves."

the massacre, and the present state of the town—filled with armed men, and the harbour crowded with ships-of-war. At one especially passionate appeal, a captain on the stairs held up his hand with half a dozen pistol-bullets lying on the palm. Warren dropped his handkerchief over the hand, and went on.

Although Gage is spoken of as himself an amiable and well-meaning man, he allowed his officers to give great provocation. Thus, the 16th of March having been appointed by the Provincial Congress as a Fast, we read, "On that day, a party of the 4th pitched two market-tents within ten yards of their place of worship, and with three drums and three fifes, kept beating and playing during the whole time of divine service."[1] Next day, Hancock's "fine seat near the Common" was maltreated, the fences broken down, and the enclosures defaced; and on the 18th, the Neck-guard seized 13,425 musket-cartridges, with 3000 lbs. weight of ball, all private property, which the Governor refused to restore on the application of the owner.

Lord Dartmouth had written a circular letter to the Colonial Governors, ordering them to do their utmost to prevent deputies being appointed to the Colonial Congress in Philadelphia. The same letter spoke of "pretended grievances." The pretended grievances of a people whose port had been shut up, their fishery taken away, and their whole government changed to a despotism!

Having seized all the provincial stores of powder and ammunition immediately around Boston, Gage made up his mind early in April to have the cannon at Concord, eighteen miles off. If he happened to find Hancock and Adams there, so much the better—he dared not venture on an arrest in the ordinary way.

On Tuesday, the 18th of April, 1775, Dr. Joseph Warren and another member of the Committee of Safety, coming from a Committee meeting at "Wetherby's Tavern," noticed some British officers riding outside Charlestown Neck, and suspected that the Governor was about to make the swoop which it was known he contemplated. They drove back to the tavern, to warn their friends—above all, to send a special messenger to Hancock and Adams. Returning to Boston, Warren sent Paul Revere, of the "Sons of Liberty," to warn them again. It was now late in the evening. Two friends rowed Revere over to Charlestown, five minutes before the sentinels received an order to allow no one to pass. A chance word, overheard by Lord Percy, had let the British know that the expedition had got wind. Revere borrowed a horse in Charlestown, and rode hard for Concord, rousing every

[1] Letter given in the *Gentleman's Magazine*, 1775, p. 250.

house as he went. Meantime, a lantern in the steeple of the Old North Meeting-House had given the alarm to the minute-men, and a second lantern had told that the attack would be by Charlestown Neck.

That night, eight or nine hundred men—"the grenadiers and light infantry"—under Lieutenant-Colonel Smith of the 10th, and Major Pitcairn of the Marines, embarked "at the bottom of Boston Common," and landed at Phipps' Farm, "a little way up Charles River." By that time, bells were ringing and signal-guns firing; and as Smith advanced on the road to Concord, he found the alarm had preceded him; so he detached six companies under Pitcairn, to secure two bridges on different roads beyond Concord, and thus it came about that the first blood shed in the War was drawn at Lexington.[1]

Paul Revere, riding hard—and once nearly captured—had reached the village of Lexington just after midnight. Adams and Hancock were at the house of the Rev. Jonas Clark. They had gone to bed early "to oblige the family," and were asleep. By two in the morning, they were marshalling the minute-men on Lexington Green—130 answered the roll-call. In Concord, the bell of the Meeting-House was ringing, and the inhabitants were mustering—their minister, William Emerson, at their head.

The King's troops came in sight of Lexington "just before sunrise." About 150 men were drawn up in two lines[2] near the Meeting-House. Drums were beating and alarms sounding. Jonas Parker, "the best wrestler in Lexington," who commanded the militia, had promised never to run from British troops. Pitcairn brought up his men at a run, and when "within a few rods," cried, "Disperse, you rebels! Damn you, throw down your arms and disperse!" The troops "huzza'd," one or two officers discharged their pistols, four or five soldiers fired, and then "there seemed to be a general discharge from the whole body." Eight of the rebels were killed and one was wounded. A few shots were returned. Jonas Parker ordered his men to disperse. He had been wounded by the first discharge, but continued to fire until a soldier ran him through. In all, eight or nine were killed, and nine wounded. The rest dispersed. The King's troops had one man wounded, and Pitcairn's horse was grazed. The British accounts say that the rebels fired from

[1] Lexington was a village of about 700 inhabitants, six miles below Concord.

[2] "In two lines, with intervals as wide as the front of the divisions."—*D' Bernicre's account.*

behind a stone wall, and from the Meeting-House, and other houses. This was the Battle of Lexington.[1]

Pitcairn then marched on to Concord, "without anything further happening." The troops arrived between nine and ten. The Light Infantry "took the hills that lay the length of the town," and the Grenadiers the lower road. As they approached, they found a considerable body of the rebels on the high ground above the North Bridge, about three-quarters of a mile from the town; and Parsons of the 10th was sent with "six light companies" to take the bridge — D' Bernicre being sent with him to show him the way. At the bridge, Captain Lowrie was left with three companies to hold it, while the rest went to search for stores. They found that most had been removed, but they destroyed what there was. While they were doing this, Lowrie was attacked by about 1500 rebels, and driven from the bridge. Parsons returned to support him. The rebels were destroying the bridge—had already taken up some planks. "But we got over," says D' Bernicre; "had they destroyed it we were most certainly all lost." There was some actual fighting here—one British account calls it "an action." One lieutenant was killed, and another made prisoner. This was the Battle of Concord.

Meantime, Smith was destroying all the stores he could find. Two 24-pounders discovered in an inn-yard were spiked; the trunnions of "three iron cannon" were knocked off; some new gun-carriages and a great number of wheels were burnt; and a considerable quantity of "flour, gunpowder, musket-balls, and other articles" was thrown into the river. About noon, he began to march back. The hills on each side were now covered with rebels—"there could not be less than 5000; so that they kept the road always lined, and a very hot fire on us without intermission; we at first kept our order and returned their fire as hot as we received it, but when we arrived within a mile of Lexington, our ammunition began to fail, and the light companies were so fatigued with flanking, they were scarce able to act, and a great number of wounded scarce able to get forward, made a great confusion; Colonel Smith (our commanding officer) had received a wound through his leg, a number of officers were also wounded, so that we began to run rather than retreat in order." D' Bernicre, who gives this, the only thoroughly intelligible account, adds, "The whole behaved with amazing bravery, but little order; we attempted to stop the men and form them two deep, but to

[1] It is said that the British troops drew up on the village green, fired a volley, and huzzaed thrice, by way of triumph.—BANCROFT.

no purpose; the confusion increased rather than lessened.[1] At last, after we got through Lexington, the officers got to the front, and presented their bayonets, and told the men, if they advanced, they should die; but at that instant, the first brigade joined us, consisting of the 4th, 23d, and 47th regiments, and two divisions of marines, under the command of Brigadier-General Lord Percy; he brought two field-pieces with him, which were immediately brought to bear upon the rebels, and soon silenced their fire."[2] Percy's arrival prevented a disaster. Smith had sent back twice for more support—luckily for him, Gage had despatched Percy, as soon as the sound of firing warned him that the troops were meeting with resistance.

Percy (who marched out to the tune of "Yankee Doodle") had met no one on the way to give him any information—every house was deserted. He came up just in time—it is said that when he formed square to receive Pitcairn's detachment, the men lay down on the ground, "their tongues hanging out of their mouths," like dogs returning from a chase. The waggons with refreshments, sent by Gage, had been captured by Parsons, the minister of Chelsea. The whole force halted to rest. At last they started again—Percy's men forming the rear-guard. The minute-men were swarming all around, and the march was a succession of small skirmishes. D' Bernicre says the fire was "very light" till they came to Menotomy, "a village with a number of houses in little groups, extending about half a mile, out of these houses they kept a very heavy fire, but our troops broke into them and killed vast numbers; the soldiers showed great bravery in this place." There were probably never more than four hundred Americans together at any one time; but as soon as some grew tired, fresh men took their place. They hung on the British rear; they were good marksmen, and they availed themselves of every wall and tree for cover, and "kept up a scattering fire during their whole march of 15 miles."[3]

At last, at about seven in the evening, they reached Charles-

[1] "The troops," says the official account (in the *London Gazette*), "were very much annoyed, and had several men killed and wounded by the rebels firing from behind walls, ditches, trees, and other ambushes." There was a sharp skirmish on Fiske's Hill, to the west of Lexington—here, "Deacon Hayward, of Acton," and a regular, firing simultaneously, killed each other.

[2] Lord Percy must have brought up over 1000 men. One regiment was the Welsh Fusiliers. He had marched 39 miles in ten hours. Smith had retreated 20 miles in six hours. The whole British force was probably about 1800.

[3] *London Gazette.*

town Neck, and "took possession of a hill that commanded the town."[1] The Selectmen sent word to Percy, that if he would not attack the town, they would take care that the troops were not molested in crossing to Boston. And so it was agreed; the *Somerset* man-of-war sent her boats for the wounded, then the rest were ferried over.[2] D'Bernicre concludes his account: "The rebels shut up the Neck, placed sentinels there, and took prisoner an officer of the 64th regiment that was going to join his regiment in Castle-William.—So that in the course of two days, from a plentiful town, we were reduced to the disagreeable necessity of living on salt provisions, and fairly blocked up in Boston."

Thus this affair, which seemed to begin like a farce, ended in something like a tragedy. The British owned to a lieutenant, a sergeant, a drummer, and 62 rank and file killed; and 2 lieutenant-colonels, 2 captains, 9 lieutenants, 2 ensigns, 7 sergeants, and 157 rank and file wounded. About 25 more were returned as "missing."

It was immediately put about that the rebels had treated the British wounded with great inhumanity — had even scalped prisoners, and cut off their ears. No proof of this was ever offered. On the contrary, a great number of affidavits were taken, contradicting the charge—the most important being that of Lieutenant Gould, King's Own (4th), wounded and made prisoner at the bridge at Concord, "and am now treated with the greatest humanity, and taken all possible care of, by the Provincials, at Medford."

"The Provincials" was now to be the name for the rebels. They on their side accused the King's troops of killing "the old, the infirm, the unarmed, and the wounded"; with "burning houses, and plundering everything that came in their way." The plundering was done in the early part of the day, when the troops, incensed at the resistance of the Provincials, were not as yet aware of their own danger.[3]

A great deal of ink has been expended on both sides in the

[1] This hill was Bunker's Hill.

[2] "The rebels were very numerous and behaved far beyond any idea I could ever have formed of them."—*George Clerk to Robert Clerk, Edinburgh. Hist. MSS. Comm. Report XI*, App. 5, MSS. of the Earl of Dartmouth, p. 337.

Percy's retreat was "deemed a piece of masterly officership in bringing off his men with so little loss." See a letter quoted by Lord Drummond, *Hist. MSS. Comm. Report XI*, App. 10, p. 312.

[3] See "Address of the Provincial Congress of Massachusetts to the Inhabitants of Great Britain"; and many depositions. Also *Gentleman's Magazine*, 1775, p. 293.

attempt to prove which side fired the first shot. If the Colonies had taken up arms before exhausting all constitutional means of obtaining redress, it would have been worth while to ask whose finger at the last moment rendered inevitable the appeal to arms. But that appeal was not rendered inevitable at any one given moment—it was due to no unhappy chance, it was the outcome of the "steady plan" of the British Government to exploit the Colonies more and more for the benefit of Great Britain, and of the equally "steady" determination of the Colonies not to be thus exploited. The question is not, Could the Colonies have maintained their rights by respectful petitions and representations, and did they choose rather to take up arms? The question is, Ought they to have submitted to whatever a Government three thousand miles away chose to enact? The choice lay, not between two methods of resistance, but between resistance and submission. For eight years, they had tried petitions and representations—and as in the days of King Charles, petitioning had been denounced as in itself a species of rebellion. At a very early period of the dispute an antiquated Statute (originally passed for the protection of the accused) had been revived for kidnapping the leaders of the people, and bringing them to England to be tried for high treason, where they would be sure to be convicted. The contemptuous rejection of every petition, and every representation made by the Colonial Agents; the reluctant repeal of one obnoxious measure, only to pass another on the first opportunity; the sending of regiment after regiment to occupy Boston, as if it had been the capital of a conquered country; the shutting up of Boston Harbour by the Port Bill; the establishing of military authority above the civil power, by the Act for the Better Administration of Justice; the alteration of the Charter, by the Massachusetts Government Act; the taking away of the New England Fishery by the Fisheries Bill; and lastly, the despatch of Smith and Pitcairn to seize the province's means of defence—all these were acts of war so overt, that it matters nothing whether Jonas Parker or a British officer fired the first shot on Lexington Green.

NOTE.—The account of Lexington is taken almost entirely from the *London Gazette*, and from Lieutenant D'Bernicre's report, which appears to have been drawn up for General Gage. Other details are from American accounts, chiefly those printed in Almon's *Remembrancer*.

CHAPTER XLIII

AFTER LEXINGTON

"I called upon General Harvey, where I found Grant and Dalrymple. Harvey swore, and reproached them—chiefly Dalrymple, because he wanted more force —'How often have I heard you American colonels boast that with four battalions you would march through America; and now you think Gage, with 3000 men and 40 pieces of cannon, may not venture out of Boston!'"—Hutchinson, *Diary*, May 31, 1775.

"You who riot in pleasure in London, know nothing of the distress in Boston . . . we are in the rotations of salt beef and salt pork one day, and the next, chewing upon salt pork and salt beef. The very rats are grown so familiar that they ask you to eat them, for they say that they have ate up the sills already, and they must now go upon the clapboards. Indeed, now and then a hog swims across the water, and thinks it more honourable to be cut up in town, and ate at a shilling, L.M. (lawful money) here per pound, than wasted out of town at 4 pence per pound. . . . It is said that the Navy Orders are generally, not to return their fire till you are killed, or at least wounded."—*Chief Justice Oliver to Elisha Hutchinson*, Boston, June 10, 1775.

"The pulpits of the Established Church at this time resounded with exhortations to the people to smite the rebels."—FONBLANQUE.

As the Fiery Cross used to be sent through Scotland, so now the news of Lexington was sent through New England. The province rose. Six or seven hundred militia encamped on Boston Neck. For nine days, Colonel Robinson, their commander, was almost the only officer—all the other officers, and most of the men, had gone home, to settle up their affairs, make their wills, and place their families in safety. For nine nights and days, Robinson never changed his clothes, nor slept in a bed.

By Sunday, the news was known in New York. The people shut the Custom House, unladed two sloops full of stores for Gage, and armed. In twenty days, the news was known from Quebec to Savannah. Lexington was fought on Wednesday. On Thursday morning, old Major Israel Putnam, ploughing in the field at Pomfret, heard a drum, and saw a horseman. It was the messenger with the news. Putnam was at Ticonderoga, and young Lord Howe fell at his side. He had known Indian warfare, too—had been tied to a tree while tomahawks were flung at him for sport, and

French officers looked on. He had been stripped and tied to a stake, to be roasted alive, and, after the fire was lighted, was saved by a Frenchman nobler than the rest. Once at Pomfret, he had crawled into a she-wolf's den, to dislodge her. There was not much that old Israel Putnam feared. When he saw the messenger, he unyoked the plough horses, got on one, just as he was—leathern frock and apron, check shirt and all, and so rode 100 miles to Cambridge, and reached it at sunrise.

Others were there by that time—John Starke, of the Indian War, with his New Hampshire men; and Ethan Allen of Bennington, Colonel of the Green Mountain Boys—a wild figure, just proclaimed outlaw for his doings about the New Hampshire Grants. On the 26th, Captain Benedict Arnold of New Haven came in at the head of his company. Soon there were twenty thousand men encamped between Roxbury and Cambridge—a line thirty miles long. Artemus Ward was their General. He, too, like Putnam, had fought in Canada under Abercrombie. There was also General Thomas, who fought in the war of '56.

The first thing Gage did, after Lexington, was to offer passes to all who chose to leave Boston, and take their goods with them. For the first few days, the road to Roxbury was crowded with waggons, carrying household goods and fugitives. The Provincial Congress had to provide for these persons—soon 5000 of them were distributed in the villages. Those were wise who went at once. The Loyalists of Boston had immediately formed themselves into a Volunteer Corps 200 strong; and when they saw the rebels flocking out of the town, they went to the Governor, and insisted on their being detained—their presence might be all that stood between the town and a bombardment! Gage hesitated. They threatened to go themselves—to New York, by sea. Gage temporised—first, he prohibited the carrying out of merchandise, then of provisions, then of bedding and trunks, and by the 22nd passes were refused altogether. Gage especially tried to detain the women—the rebels would not bombard *them*. The same day, he sent for the Selectmen, and struck a bargain—to use no violence, if they did not. A town-meeting next day ("although the Sabbath, a thing never known here before") ratified this compact; and the inhabitants agreed to deposit all arms in Faneuil Hall, under the charge of the Selectmen—each musket to be marked with the owner's name, and returned, when things are quiet once more.

Charlestown was nearly deserted. A few people went now and then "to look after their effects," dig their gardens, or mow their

grass. It was reported that Charlestown was to be burned—fire-stages were to be floated down the river.

Boston was already on salt provisions, and it was "even affirmed that pork and peas are eaten at the General's own table."

There were not as many rebels encamped round Boston as the British supposed; but the Provincials were constantly relieved, which came to almost the same thing. Once, General Thomas, on an alarm of a sally, marched his 700 men round and round Prospect Hill, till they looked like an army. And, undisciplined as were the rank and file, there was a good sprinkling of old soldiers trained in the war of '56. Most of them "were with Braddock." Gage, watching the Provincials through his glass, could recognise more than one old comrade. One day, he made out Putnam, and got a message to him, to come and speak with him. Putnam came in, and Gage showed him his fortifications, and advised his old comrade to lay down his arms; but Putnam only returned the kind advice.

On May 25, a fire broke out in the town—occasioned by a cartridge catching fire. Great damage was done. By an unhappy augury, the same day arrived the three Generals, Howe, Clinton, and Burgoyne—to find they had come to a beleaguered town. Burgoyne was much disgusted to think that "ten thousand peasants should keep five thousand King's troops shut up," but hoped he should "soon find elbow-room"—an unfortunate remark, with which he was twitted later on. It was asserted that the British officers so little expected anything serious, that they brought out "angling rods," to pass the time.

The Provincial Council, sitting at Watertown,[1] voted that Gage was no longer Governor of the province of Massachusetts Bay. It merely stated a fact. Gage was Commander-in-Chief of the forces, and military governor of the town of Boston, but there his authority ended. The Provincial Congress appointed a post-master; empowered their Receiver-General to borrow £100,000 "in lawful money" on Colonial securities, at 6 per cent., repayable in two years; and drew up an address "to their Friends and Fellow-subjects, the Inhabitants of Great Britain."

On the 3rd of May, Benedict Arnold—with the Provincial Committee of Safety's commission as Colonel—set off to take Ticonderoga with one man, intending to raise volunteers on the way. He came up with Colonel Ethan Allen, and went on with him. That day week, this little force of 100 Green Mountain Boys, and 50 Massachusetts Militia, walked into Ticonderoga, forced the

[1] April 25, or a few days earlier.

guards, and rushed into the fort. Delaplace, the Commandant, who was dressing—it was about sunrise—ran out in his shirt to know what was the matter. Allen summoned him to surrender. "In whose name?" asked the Commandant. "In the name of the Great JEHOVAH and the Continental Congress," replied Allen. And so Ticonderoga, which had cost the British Government eight millions sterling, and many campaigns, was taken in ten minutes, almost without a blow. The same day, Seth Warner, Allen's lieutenant, surprised Crown Point.

In the interval between Lexington and Bunker's Hill, the SECOND CONTINENTAL CONGRESS met at Philadelphia. It did not assume to be an Executive, or even a Legislative Body; but only the assembled Committees of Twelve Colonies, met to consult on the state of public affairs, and endeavour to agree on the measures most likely to obtain redress of American grievances, and to restore harmony between Great Britain and her Colonies.

The People of America, represented in the Second General Congress, had not departed from their original contention—that they owed allegiance, and were ready to maintain that allegiance, to the King, but not to the Parliament. This has very often been misunderstood; and because it was misunderstood, it has been ridiculed as illogical and denounced as hypocritical. It was neither. It meant that the Colonies demanded to be upon precisely the same footing as the people of Great Britain. This was what they meant, when they professed loyalty to the King, while defying the Parliament. The people of Great Britain were governed by laws passed by the representatives they themselves had chosen. The Charters of the American provinces acknowledged their right to be governed in all internal affairs by laws passed by their provincial Assemblies—that is, by representatives chosen by the people of the Colonies. They had, in fact, been granted Home Rule. The colonists maintained that the provincial Assemblies were sister-parliaments to the Parliament at Westminster, and stood in the same relation to the King as the Parliament of Westminster. As regarded all internal questions, they governed themselves, with the exception that their Governors were appointed—though not paid—by the Crown, and that in international questions, affecting peace and war, and international trade, the British Government had a claim to their obedience.

The Congress met on the 5th of May. On the 10th, Franklin—who arrived the night before, and had been elected a delegate to Congress that morning—took his seat. "He has been received with the greatest respect by all ranks of people." On the 13th,

John Jay moved for a second Petition to the King. Congress were discussing this, when, on the 18th, came the news of Ticonderoga. Their victory threw Congress into great perturbation—they were half inclined to give the Fort back—they had not thought of anything so daring as an invasion of Canada. Ethan Allen ought to have said, "In the name of the Committee of Safety of Connecticut"—a more reckless body by far. At last it was agreed to withdraw the captured artillery to the head of Lake George—to be scrupulously returned when the troubles are over.

A plan, said to have been placed before the First Continental Congress, was submitted to the Second—by whom, or with how much of authority, seems to be doubtful. It seems to have been a revival of one of Governor Shirley's schemes. It was for "a British and American Legislature, for regulating the administration of the general affairs of America"—to be administered by a President-General, appointed by the King, and a Grand Council, chosen by the Colonies. This Grand Council was to meet more or less often than once a year, as might be necessary, and to have all the privileges exercised by the House of Commons; it was to be "an inferior and distinct branch of the British Legislature." Any of the Regulations might originate with either body, and must be transmitted to the other for assent, the assent of both being required to make it law—except that, in time of war, the Grand Council's Bills for granting aid to the Crown, need not wait for the assent of Parliament.

On June 1, the House of Burgesses of Virginia was convened for the last time under British rule. It met anxious and displeased. The finances of the province were much embarrassed by the Indian Frontier War of last year—which has not been mentioned, as it had no immediate bearing on the general situation.[1] But the Indian trouble helped to intensify the indignation at Dunmore's threat to emancipate the slaves, "if he was pressed" to give up the powder of Williamsburg, which he had seized in the night of April 20. Dunmore had had to "fortify himself in his palace," when Patrick Henry appeared to demand it. He paid for the powder,[2] rather than give it up; but this did not help him much, for Peyton Randolph, Speaker of the House of Burgesses, rode over from Congress with "an escort of independent companies of horse and foot"—in fact, a little army. Some of the Burgesses came in the new uniform—a hunting-shirt of coarse homespun, and a woodman's axe.

Dunmore now made a conciliatory speech, full of the "gracious

[1] See Note at end of chapter.

[2] He paid £350.

declaration of King and Parliament," to redress their "well-founded grievances." No specific sum was demanded of the Colonies—their gift, if they offered any, was to be free. It was never intended to require them to tax themselves, without Parliament taxing the subjects of Great Britain on the same occasion in a far greater proportion. Dunmore apologised for taking the powder—he had had "the best of motives"—thought it was in a dangerous place where it was—and reminded them how he had ventured his life against the Indians in the service of the province. But he could not deny his threat to arm the slaves.

The Burgesses received these professions with polite incredulity, and passed a Bill for defraying the cost of the Indian War, and providing for the widows and orphans. To do this, it placed a duty of £5 (equal to about 10 per cent.) on the head of every slave imported from the West Indies. Dunmore refused assent, on the ground that this duty would injure the British traffic in negroes. Thus the last exercise of the power of veto, by a British Governor of Virginia, was for the protection of the British slave-trade.

In the middle of this business, Dunmore received a letter from Gage, informing him that he was about to issue a Proclamation of pardon to all except Hancock and Adams. It occurred to Dunmore that if Gage seized these gentlemen, Randolph's little army might arrest himself for a hostage, so he left Williamsburg suddenly in the night, and went with his family on board the *Fowey* man-of-war. He explained his flight by saying he was afraid of "falling a sacrifice" to the "blind and unreasoning fury which had so unaccountably seized upon great numbers of people"; and he invited the House to come to him "at his present residence." The House voted that it was a high breach of privilege to require it to attend his lordship on board of his Majesty's man-of-war. He had now given up the key of the powder magazine. Three days before he did so, the Burgesses of Virginia had formally rejected North's propositions. They said they "contended not merely for the mode of raising their money, but for the freedom of granting it." The Acts had not been repealed—Acts restraining trade, altering the government of Massachusetts and Quebec, enlarging the Admiralty jurisdiction, taking away trial by jury, and establishing standing armies. The Colonies had been invaded by large armaments by sea and land—this is a style of asking gifts not reconcilable with freedom. They therefore committed their injuries "to the justice of the evenhanded Being Who doth no wrong."

They further resolved that a well-regulated militia of gentlemen and yeomen was necessary, and "is the natural strength and only

security of a free government." And till this unhappy dispute is settled, there should be as little going to law as possible[1]—those that cannot wait, should refer their differences to "judicious neighbours"; creditors should be "as indulgent as may be," and "debtors should pay as far as they are able."

For many months—indeed, almost ever since the punitive Acts had come into operation—the King's Government in Massachusetts had been virtually dissolved. When, a few days after Lexington, the Provincial Congress voted that Gage was no more Governor of the province, "he having, by his conduct, forfeited all right to it," the fact had long been obvious to all. General Gage was better aware of it than anybody, and had said long since that it might be well to leave the Provincials to "anarchy and repentance." But the dissolution of Government had not produced the kind of anarchy for which members of the British Parliament hoped. As one Royal Governor after another lost control of his province, one Provincial Congress after another sprang into being, and took on itself all the functions of the old Assemblies and Councils combined. And each Provincial Congress, as soon as it met, began to consider North's proposals—that the British Government should call for what revenue it pleased, and the Colonies should raise it as they pleased. Each province decided that this was unjust, and while re-affirming its loyalty to the King, also re-affirmed its entire rejection of the authority of Parliament. Governor Franklin, the Loyalist son of the valiant old philosopher, summoned the Assembly of New Jersey, hoping it would pronounce for North's offer; but it only voted its intention to abide by "the united voice of the Continental Congress." Governor Martin of North Carolina made his Assembly a conciliatory speech, but could not persuade it not to send delegates to Congress. At the beginning of April, the Provincial Congress of Massachusetts had drawn up "Rules" for the Army. They are curious reading, these "rules" for a citizen Army, and the penalties for ill-behaviour are left in what was no doubt believed to be a judicious vagueness. Congress had sent off an address to our "Friends and Fellow-subjects, the Inhabitants of Great Britain." Now, in May, Massachusetts appointed a Postmaster, and wrote to Congress desiring it to assume the regulation of the Army, "now collecting from different Colonies for the defence of America."

It had long been apparent that the Army must have a Commander-in-Chief. The difficulty was to conciliate provincial susceptibilities. Old General Artemus Ward, now in command outside Boston, was too infirm—scarcely able to mount a horse.

[1] The Courts were shut.

But he was a Massachusetts man, and it would not do to offend Massachusetts. Mr. Hancock was known to think of himself for the post; but he had seen no service, and his health was delicate. There were many officers who had seen service—at Cape Breton, at the two Sieges of Louisburg, and with Wolfe. But the Army was to a great extent a Northern Army—the South might be jealous if there were a Northern General too. Colonel Charles Lee had been spoken of—but he was an Englishman, in itself almost a sufficient reason against him. Then came news that the three British Generals, Howe, Clinton, and Burgoyne, were actually in Boston; and the need for a Provincial General became imperative. It was a relief to everyone when one morning in June Mr. John Adams—now looked on as the leading man of Massachusetts—rose and moved that Congress should appoint a General, adding that he had no hesitation to declare he had but one gentleman in his mind for that command,—"a gentleman of Virginia, now among us, and very well known to us all,"—a gentleman, whose skill and experience, whose independent fortune, great talents and excellent universal character, would command the approbation of all America.

Colonel Washington was sitting near the door of the "library-room," and slipped away while Adams was speaking. There was a little opposition—chiefly on the score that Ward was already in command, and was holding the British imprisoned, which was all that could be expected or desired. But when, on the 15th, Mr. Johnson of Maryland formally nominated Mr. Washington to be Generalissimo of the Continental Forces, the ballot was unanimous.

Washington was now forty-three—over six feet in height, broad, and well-proportioned, with a constitution of iron. He had been his own teacher ever since, at sixteen, he went out into the wilderness to survey Lord Fairfax's vast estates beyond the Blue Ridge—never surveyed till then, though granted to Fairfax's ancestor by Charles II. At nineteen he was an Adjutant-General with a Major's commission, on the western frontier. At twenty-one he was sent as Envoy of Virginia to the Council of Indian Chiefs on the Ohio, and to the French on Lake Erie. He led the first military expedition from Virginia that ever crossed the Alleghanies. Two years later Braddock chose him for his aide-de-camp, in the disastrous attempt on Fort Duquesne. On the terrible day by the Monongahela, when Braddock's force, marching carelessly, was set upon and utterly routed by a handful of French and six hundred Indians, Washington escaped as by miracle—he had two horses

shot under him, and four balls passed through his coat.[1] It was Washington and Gage who rallied the shattered remnants of Braddock's men, and saved the dying General from falling into the hands of the Indians. Next year, when he was still but twenty-four, Washington was chosen by the Lieutenant-Governor of Maryland as second in command of the army for the Ohio, of which Governor Shirley was Commander-in-Chief. Again, in 1758, he served under Forbes. Since then, he had lived at Mount Vernon the life of a country gentleman and planter of Virginia—the life he loved best.[2] His character need not be described—it is a part of the history of the country he saved.

Washington's first act as Generalissimo was to refuse all pay except his expenses—of which he promised Congress to keep a strict account. His last was to hand back his commission to Congress, the day after the last British soldier embarked at New York.

Washington knew well what was the task before him. The day he was appointed, he said to Patrick Henry, "This day will be the commencement of the decline of my reputation." He knew that he had to create an army out of a fortuitous concourse of farmers, lawyers, traders, merchants, and artificers; he knew that Congress could give him no authority, for it possessed none, and could not pay his army, for it had no revenue. He knew that, besides the ordinary jealousies, which assail every man in a great station, he would have the conflicting interests and meannesses of thirteen colonies to reckon with. Lastly, he knew that with his little experience of border warfare, he must pit himself against British Generals trained in great wars, with the resources of a mighty empire behind them.

Four Major-Generals were appointed—Lee, Ward, Schuyler, and Putnam; and eight Brigadier-Generals.

Philip Schuyler came of a great Dutch family of New York—a

[1] "We have been most scandalously beaten by a trifling body of men."—*Washington's Letter to his Mother*, 1756.

Braddock, who had five horses shot under him, was mortally wounded. He died at Great Meadows, four days after the battle. As the chaplain was wounded, Major Washington read the Burial Service.

[2] In 1770, Washington, having established the rights of the soldiers and officers who had served with him in the French war to 200,000 acres in the western valley, undertook to select their tracts for them, and went down to the Great Kanawha. He floated down the Ohio in a canoe—innumerable wild-fowl, turkeys, etc., deer browsing on the banks—and chose the good land, setting his mark on a maple or elm, a hoop-wood or ash, as the corner of a soldier's survey. The red-men received him with public honours. So Tennessee was founded.

man greatly respected, a good mathematician and engineer, and something of a martinet. Charles Lee was a very curious person—an English soldier of fortune, a vain, restless, disappointed man, affecting eccentricity. Both he and Schuyler had fought in Canada under Abercrombie (now in Boston). Since then, he had fought in Portugal and Turkey, and been aide-de-camp to King Stanislaus of Poland. In England he had fought a duel, and killed his man; and had written a political pamphlet which made the Ministry think him dangerous. Lee was a friend of Burke; but of human beings he professed to prefer the Mohawks, whom he had learned to know in Canada. They adopted him, and gave him the name of "Boiling Water." He also admired the Cossacks of the Don. But on the whole, he affected misanthropy, disliked women without loving men, and considered horses and dogs more worthy of regard than humankind. He was strongly of opinion that Charles Lee was the man to command the Continental Armies. He had offered to teach the Americans military tactics, and had written long letters to Lord Percy and General Burgoyne,—his old comrade in Portugal,—remonstrating with them for engaging in so bad a cause.

Washington, Lee, and Schuyler set out on June 21 for the Camp at Cambridge. They had not ridden six miles out of Philadelphia when they met an express riding post to Congress, with news that a great battle was fought at Boston on Saturday, and Dr. Warren was killed.

CHAPTER XLIV

BUNKER'S HILL

"Mr. Gibbon called. He says many who were strong for the measures of Parliament are much discouraged by the news from America, they having been made to believe there would be no action."—Hutchinson's *Diary*, June 19, 1775.

"I am sure I never wrote anything I did not believe to be true. I am sure I never wrote anything that I thought would hurt the interest of my country."—*Hutchinson to Mr. Sewall, Attorney-General of Massachusetts*, July 8, 1775.

"In short, it is as preposterous to recur to Athens and Sparta for comparisons to their courage, as it is to suppose their spring of action in this revolt analogous to the genuine spirit of liberty that guided those states."

On the 12th of June Gage issued his Proclamation beginning, "Whereas the infatuated multitudes," and going on to offer pardon to all who would lay down their arms—always excepting Samuel Adams and John Hancock. It expatiated on "the infringements of the sacred rights of the Crown and people of Great Britain" (to make foolish and anti-commercial laws); and on the conduct of "a number of armed persons," who on April 19, "from behind walls and lurking holes, attacked a detachment of the King's troops," who, not expecting "so consummate an act of phrenzy," and unprepared and unwilling for vengeance, only used their arms in self-defence. Since then these rebels "have added insult to injury," have fired on the King's ships, and "with a preposterous parade of military arrangement, affect to hold the army besieged." Finally, it proclaimed martial law.[1] The same day Gage wrote to Dartmouth, that the town continued surrounded by a large body of Provincials, and that all communication with the country was cut off. A few days before this, Dr. Peter Oliver (son of the Chief Justice) had written to Elisha Hutchinson: "we are besieged this moment with 10 or 15,000 men, from Roxbury to Cambridge; their rebel sentrys within call of the troops' sentry on the Neck. . . . You seem in England to be entirely ignorant of the temper of our people. They are as much determined from Florida to Halifax to oppose you at home, do what you will, as I hear the

[1] Burgoyne wrote this Proclamation, and many others.

Ministry are determined to pursue their plan. I am in no doubt but you will be able to conquer America at last, but a horrid bloody scene will be opened here, as never was in New England before. What comfort or satisfaction do you think we take now, or can take, when the dreadful scene opens?"[1]

And now the dreadful scene opened.

The "persons in arms," who were "affecting" to besiege Boston, became more formidable every day. About the 1st of June twelve pieces of "battering cannon"—18- and 24-pounders—had been sent from Providence to the Camp at Cambridge. The Camp was rough enough—canvas and sails, given by the seaport towns, formed the tents. Nobody had any experience, and there was no discipline—the private was as good a man as the captain. Worse still, there was very little ammunition; and, worst of all, there were quarrels and discontents. It was not even quite certain who was in command, and whether Ward was General-in-Chief or only commanded the New Hampshire regiments. There was difference of opinion—Ward, sick and timid, was for retiring from Cambridge and fortifying the heights of Brookline. Putnam not only insisted that Cambridge must be held, but could hardly be prevented from advancing the lines of the Connecticut men to Prospect Hill.

The peculiar situation of Boston, at the head of the deep bay of Massachusetts, must be realised in order to understand the extraordinary battle of Bunker's Hill. The town stands on a peninsula, connected with the mainland by a very low and narrow isthmus—called Boston Neck—about 50 yards broad, and so low that the spring-tides sometimes washed the road. In 1775 Boston was about two miles long, and contained about 4000 houses, mostly brick, with 18,000 inhabitants. The streets were broad and regular, the houses of the richest merchants were "very stately, well-built and convenient." There were so many wharves and warehouses, that more than fifty vessels could unlade at one time "with great conveniency." To north of Boston, divided from it by a large navigable river, lay Charlestown, on another peninsula, between the Mystic and the Charles rivers. Charlestown was about half as large as Boston, but less conveniently situated for sea-going trade. To the north of the peninsula of Charlestown rose Bunker's Hill, a round smooth mound, about 110 feet high. It commanded both peninsulas. The rising ground fell away gradually for about 700 yards, and just north of Charlestown rose again to Breed's Hill, about 75 feet

[1] Letter of June 1, 1775.—Hutchinson's *Diary*, i.

high. Dorchester Neck—another peninsula—was to the south. Close round lay the smaller towns of Roxbury, Dorchester, and Cambridge.

Towards the middle of May the Committee of Safety and a Council of War had resolved to fortify Bunker's Hill—they were only waiting for a supply of powder. About the 14th of June they heard that Gage was preparing to post troops there himself, and that the 18th was the day fixed for the attempt, so on the 15th a Council of War determined to take possession of Bunker's Hill at once. The command was given to Prescott, who had had considerable experience in French and Indian warfare; and on the evening of the 16th, after prayers by the President of Harvard, 1000 men marched from Cambridge. By some mistake, never explained, and little noticed, Prescott had been ordered to fortify Breed's Hill—the summit nearer Boston. At midnight the works were begun by the light of dark-lanterns.[1] As day broke the watch on board the *Lively* (lying in the ferry between Boston and Charlestown) saw what the Provincials were about, and gave the alarm. By that time a small redoubt about 8 rods square had been thrown up, and the entrenchments were 6 feet high.[2] At once the *Lively* fired her great gun, the *Falcon* and the *Somerset* followed, until a heavy fire from the ships, the floating batteries, and the fort on Copps' Hill—in Boston itself—was directed on the new works.

The Provincials worked on—now fortifying the marshy, grassy ground at the foot of the hill. When the fire grew too heavy, Prescott returned to the redoubt, and walked up and down on the parapet. Gage, on Copps' Hill, only 1200 yards away as the crow flies, watched this tall figure, the only one in uniform that day—saw him take off cocked-hat and tie-wig, and walk bare-headed in the blazing sun, the bald patch on his head distinctly seen. "Who is the person who appears to command? Will he fight?" asked Gage. And Councillor Willard (a "Mandamus Councillor") replied, "He is my brother-in-law; and he will fight while there is a drop of blood in his body."

Meanwhile the Provincials were alternately asking in despair, Why Ward did not send them reinforcements? and in astonish-

[1] The work was performed so quietly, that Prescott, who went down twice in the night to the water's edge to listen, could hear the sentinels on the men-of-war cry, "All's Well!"

[2] Colonel Gridley was their engineer. It was he who fired the shot into the Citadel, at the First Siege of Louisburg, which brought about the capitulation.

ment, Why Gage did not send the soldiers? But Ward was afraid of weakening his camp; and Gage hoped to dislodge the rebels with his artillery—the fire was now so heavy, that the smoke hung upon the hills. But the works were being made stronger every hour, and Gage saw that he must fight. So at high-water the *Glasgow* and the two floating batteries were moored where their guns would rake Charlestown Neck, and about noon the Provincials in the redoubt saw the red-coats swarming out on Long Wharf. Under the protection of the ships, 28 barges were rowed across to Moulton's Point, carrying the 5th, 38th, 43rd, and 52nd infantry, ten companies of grenadiers, ten of light infantry, and "a proportion" of field-artillery, under Generals Howe and Pigot. With them went Abercrombie, Pitcairn, and a great number of other officers. No sooner had Howe landed and formed his troops in order of march, than he perceived that "the rebels on the heights" were "in great force and strongly posted." The redoubt was full of men, and defended with cannon; and "a large body, posted in the houses in Charlestown, covered their right flank, the left being covered by a breastwork, part of it cannon-proof." Howe also discovered that "Mr. Lovell of the Ordnance" had sent the wrong shot—12-pounders, when the cannon were only six. He sent back for reinforcements, and for the right shot, and meanwhile he made the men sit down in the long grass and refresh themselves.

Perhaps no battle ever had so many spectators. All Boston was looking on—the roofs and steeples were crowded, and many of the watchers feared that their families might be in Charlestown. The distance was so short that they could distinctly see the white houses and green gardens when the smoke of the cannonade lifted for a moment.

The Provincials, though they made so formidable an appearance, were but ill-prepared to resist such an attack. The day was intensely hot, it was hours before any refreshments arrived for the men who had been toiling all night, reinforcements were slow in coming, and even now nobody knew exactly who was commanding—Prescott or Putnam. But just as the troops disembarked, John Starke brought up 2000 of the New Hampshire men.

Howe, too, had been reinforced—some more companies of Grenadiers and Light Infantry and the 1st battalion of Marines had now arrived, making his force in all over 2000. He sent his left, under Pigot, to attack Charlestown, and advanced slowly with his right, the lines frequently halting to give the artillery time to fire. Presently the people in the steeples saw that Charlestown

was on fire, but the Provincials succeeded in withdrawing. Those in the redoubt awaited the attack. Putnam had ordered them not to fire till they could see the whites of the enemies' eyes. Accordingly they reserved their fire till the British were within "ten or twelve rods." "Then began a furious discharge of small arms." The British halted—then fell back in disorder to the landing-place. The Provincial account says that officers were "seen, with passionate gestures, pushing the men forward with their swords." Two of Howe's aides were shot down at his side. Three times he was left alone, standing unmoved amidst a rain of bullets. At last he rallied the men, and led them up the hill again. A second time the Americans reserved their fire—till the British were within "five or six rods"; and a second time the regulars gave way, and "ran in great confusion towards their boats." Then Howe brought the cannon to bear, and raked the breastwork, while the fire from the ships was redoubled, and at last the Provincials retreated to the redoubt. A British account says word was brought to Howe that the rebels had been heard to say their powder was all gone. At the same moment General Clinton brought up two regiments he had found in confusion on the shore, and had re-formed. American accounts say that an order given by Pomeroy was mistaken for an order to retreat. It appears, however, that at this moment Prescott did give the word to retreat. It was almost too late—the British had advanced for the third time, and the redoubt was half full of them; and if a flanking-party of the Provincials had not made a determined stand none would have escaped. The retreat across the Neck was terrible—the Provincials fighting their way inch by inch in a hand-to-hand encounter, for it was true that they had fired their last round of powder. Charlestown Neck was being raked by the fire from the ships,—the *Glasgow* and the two floating batteries,—it was this fire which had prevented the Provincial reinforcements from coming up. Here Dr. Warren, gallantly trying to rally the retreat, was mortally wounded by a British officer who recognised him.

The Provincials expected that Howe would pursue and march to Cambridge—only two miles distant, and undefended. But Bunker's Hill was one of those victories which are only less terrible than a defeat. Half the British force engaged was killed or wounded. Howe's own escape was miraculous—one wonders whether in those awful moments he remembered the kind wish of his Nottingham friends. All his staff-officers were killed or wounded. Burgoyne, who watched the battle from Brattle church-

steeple, wrote, "The whole was for complication, for horror and importance beyond anything it ever came to my lot to witness. It was a sight for a young soldier that the longest service may not occur again." To Rochford he wrote, "The retreat was no flight: it was even covered with bravery and military skill . . . let it not pass even in a whisper from your lordship to more than *one* person . . . discipline not to say courage was wanting. In the critical moment of carrying the redoubt, the officers of some corps were almost alone; and what was the worst part of the confusion of these corps—all the wounds of the officers were not received from the enemy." He explains that he does not charge the men with "backwardness in the cause of Government," as little would he "imply any dislike or ill-will to their officers. . . . I only mean to represent that the men in the *defective* corps being ill-grounded in the great points of discipline, and the men in *all* the corps having twice felt their enemy to be more formidable than they expected, it will require some training under such Generals as Howe and Clinton before they may prudently be entrusted in many exploits against such odds. . . . Look, my Lord, upon the country near Boston—it is all fortification."[1]

So soon had Burgoyne changed his first opinion of the peasants who held the King's troops beleaguered.

The British loss was enormous; 92 officers were killed or wounded—a number out of all proportion to that of the rank and file, and telling its own tale. Among the slain were Abercrombie[2] and Pitcairn. It was reported that Howe had said the death of Warren was equal to the loss of 500 Provincials. But the British casualties at Bunker's Hill were more than at Minden, or Quebec.[3] Howe never got over it—his hesitation on several future occasions was believed to be prompted by dread of exposing his troops in attacks on works behind which were American marksmen.

[1] "Our expectations have all along been that, on the arrival of the Irish troops, something decisive would be effected; but if every small hill or rising ground about Boston is to be recovered in the same way, I see no prospect of an end to the war."—*Elisha Hutchinson to his Wife*, August 1, 1775. (From England.)

Eden said, eight more such victories, and there would be no one left to bring the news of them. (Auckland MSS.)

[2] As Colonel Abercrombie was carried off the field, mortally wounded, he said, "If you take Major Putnam alive, don't hang him, for he's a brave man."

[3] The casualties were: 1 Lieut.-Col., 2 Majors, 8 Captains, 10 Lieutenants, 15 Sergeants, 1 Drummer, 191 rank and file, killed. Wounded—3 Majors, 26 Captains, 31 Lieutenants, 8 Ensigns, 40 Sergeants, 12 Drummers, 706 rank and file.

CHAPTER XLV

THE BLOCKADE OF BOSTON

"In point of numbers they ('the rebels') so far surpass us, that we are like a few children in the midst of a large crowd. . . . They know our situation as well as we do ourselves, from the villains that are left in town, who acquaint them with all our proceedings, making signals at night with gunpowder, and at day out of the church steeples. About three weeks ago, three fellows were taken out of one of the latter, who confess they had been employed so for seven days. . . . Another was caught last week, swimming over to the rebels with one of their General's passes in his pocket; he will be hanged in a day or two." —*Extract of a genuine Letter from Boston*, July 25, 1775. Given in *The Remembrancer.*

"FRIENDS, COUNTRYMEN, AND BRETHREN,—By these, and by every other appellation that may designate the ties which bind us to each other, we entreat your serious attention to this our second attempt to prevent their dissolution. Remembrance of former friendships, pride in the glorious achievements of our common ancestors, and affection for the heirs of their virtues, have hitherto preserved our mutual connection.—The TWELVE UNITED COLONIES, by their Delegates in CONGRESS, to the INHABITANTS OF GREAT BRITAIN, Philadelphia, July 8, 1775."

"'Now,' said he, 'my boys, we will aim at the damn'd Presbyterian church. Well, my brave fellows, one shot more, and the House of God will fall before you.'"—*Extract from a Letter from Gloucester*, August 13, 1775, *describing the Attack on Captain Lindsey, "Falcon" man-of-war*, on the 9th.

"The detested town of Norfolk is no more! . . . It burnt fiercely all night and the next day; nor are the flames yet extinguished; but no more of Norfolk remains than about 12 houses that have escaped the flames."—*Letter "dated 'Otter,' off the ruins of Norfolk*, Jan. 9, 1776." (Given by Almon.)

PARTIES were so evenly balanced in the New York Assembly,[1] that a very curious situation had arisen. The Dutch, Huguenot, and Scottish elements were strongly Whig; the great influence of the De Lanceys was Tory. On the 25th of January, 1775, a motion to consider the proceedings of the Continental Congress was lost by one vote; on February 17 a proposal to send delegates to Congress was rejected by 17 to 9. But in April, "a poll through

[1] New York and North Carolina were considered so loyal that they were exempted from the operation of the Restraining Acts.

the city" reversed this by 5 to 1, and on the 21st delegates were elected.

Governor Tryon had been called home to give the Ministry an account of affairs, but had returned, and was in harbour, hourly expected to land, when Washington drew near. The Provincial Congress had, in a manner, been governing for him during his absence. At the same time it professed loyalty. Respect must be shown the Governor on his return—but what was to be done about General Washington? A singular way of escape was devised—a militia regiment was called out, and ordered to pay military honours to *whichever arrived first*—the Governor or the General. Washington was the first, and received the honours. Hardly less curious was the address presented to him by the Committee of the Provincial Congress, which met him at Newark. The good Whigs of New York had been thinking about Oliver Cromwell, who was also elected Generalissimo of a patriot army, and felt a little uneasiness lest Washington, like Cromwell, should "make himself master of the Government." So Peter Van Burgh Livingston, President of the Congress, in receiving Washington, took care to express "the fullest assurance that as soon as this important contest shall be decided by that fondest wish of every American soul, an accommodation with our Mother Country, you will chearfully resign the important deposit committed into your hands, and reassume the character of our worthiest citizen." To this Washington replied that he and the other Generals would most sincerely rejoice when the establishment of American liberty should enable them to return to their private station.

On the 2nd of July the British in Boston heard the firing of salutes, and a great noise of shouting from the Camp at Cambridge—General Washington had arrived. Next day he took formal command. An ancient elm on Cambridge Common was long pointed out as the tree under which Washington wheeled his horse, and drew his sword, as Generalissimo of the Continental Armies. And as soon as his army had done shouting, he began to get it into shape.[1]

[1] It was said the Americans had bought up all the powder on the coast of Africa—for rum. The whole country was preparing for war. In Reading (Berks Co. Pa.) there was an Old Man's Company, of about eighty Germans, all aged 40 and upwards. "The Person who at their first assembling led them to the field is 97—has been 40 years in regular service, in 17 pitched battles. The Drummer is 84. Instead of a cockade they wear a black crape, for sorrow at events, and at being too old to fight. Travel where you will, you see the inhabitants training, making fire-locks, casting mortars, shells

Such an army as it was! The British called it "a rustic rout with calico frocks and fowling-pieces." It was totally deficient in gold-lace, had no uniform, and no discipline to speak of. It wanted clothes, tents, hospitals, and skilled engineers. Above all, it wanted arms—especially artillery, and powder—an official list of warlike stores in Massachusetts gives little more than half a pound of powder to a man. Nobody ever knew how it was fed, yet fed it was somehow. Every householder contributed something; everybody who had anything to spare sent it to the Camp, in somebody's waggon lent for the occasion. For a long while the troops of Massachusetts and New Hampshire were fed without so much as a barrel of flour from Congress. And Washington made them all work at the entrenchments from eleven to four every day, got rid of a good many incompetent officers, and kept up the siege of Boston. But the men of Connecticut and Rhode Island were only engaged till December 1, those of Massachusetts only to the end of the year; the Paymaster had not a dollar in hand. Soon winter would be upon them, and they wanted blankets, shelter, and fuel. The most shipshape camp was Greene's —as neat as the British; and his Rhode Islanders were the best drilled.[1] Greene had followed the plough and worked at the forge; he had also read Cæsar's *Commentaries*, and studied the art of war. Putnam had had a fine banner sent him—on one side it bore the words, "AN APPEAL TO HEAVEN," on the other, "QUI TRANSTULIT SUSTINET." On July 21 this standard was set up on Prospect Hill, amidst great shouting and cheering—after a striking address from the Connecticut Chaplain.

Meanwhile the country was waiting to hear that the army had dislodged Gage from Boston, and wondering why it so seldom fired a cannon. It was because it had no powder—it could not afford to fire—the army had not five rounds of powder a man!

For six months Washington maintained a post within musket-shot of the British army in Boston, without cannon, without

and shot, and making saltpetre to keep the gun-powder mills at work next autumn and winter."—*Extract of a Letter from Philadelphia*, July 10, *from a Gentleman of consideration and fortune.*

[1] "It is very diverting to walk among the camps. They are as different in their forms, as the owners are in their dress; and every tent is a portraiture of the temper and taste of the persons who encamp in it. Some are made of boards, and some are made of sail-cloth; some are partly of one, and partly of the other. Again, some are made of stone and turf, brick and brush. Some are thrown up in a hurry, others curiously wrought with wreathes and withes."—REV. WILLIAM EMERSON.

powder,[1] without money. As he lay awake at night, devising how to feed his army, how to clothe it, and how to arm it, he thought how much happier he would have been if he had enlisted as a private. He had done all he could—all that did not cost hard money, but only hard labour. He had strengthened his works. He had established discipline. There was now "the strictest government." There were prayers every morning, and after prayers the Orders of the Day were read. "Everybody was made to know his place, and keep it," or be tied up and receive thirty lashes. Lee was credited with this severity. Ward commanded the right wing, Lee the left, Putnam the centre. One day 1400 riflemen marched in from Pennsylvania, Virginia, and Maryland—bush-fighters and sharpshooters, many of them over six feet in height—giants in fringed frocks and round hats. One company was led by Dan Morgan, who had been a waggoner in Braddock's expedition.

To the British in Boston, the Provincials appeared "very audacious"; but on the 4th of August, while Washington was thinking of trying to force a general action, he discovered that he had just nine cartridges a man! The Committee of Supplies had forgotten to allow for what had been expended; so instead of 300 barrels of powder there were only 32. Washington sent everywhere for powder. For a fortnight he hardly dared breathe. Even when a supply came from the Jerseys, it would only have served for one day of a general action. Congress was always writing to know why he was so inactive—why he did not drive the British out of Boston, and he dared not tell them why, lest a bird of the air should carry the truth to Boston. One morning he looked from the window of his quarters, and saw General Putnam riding up with a stout woman *en croupe* behind him. For the only time in the campaign Washington laughed. But it was no laughing matter—the woman had been detected playing go-between from someone in Camp to Major Kane in Boston. She had a letter written in cypher. Threats and persuasion drew from her that it was from Dr. Benjamin Church, one of the "Sons of Liberty," a member of the House of Representatives, now Surgeon-General to the Camp. He was arrested, but a friend had had time to get at his papers—nothing was found, and he

[1] Franklin thought bows and arrows might be reintroduced with good effect. "1st. because a man may shoot as truly with a bow as with a common gun. 2ndly. He can discharge four arrows in the time of charging and discharging one bullet." With other reasons perfectly valid in the then state of fire-arms.—*Franklin to General Lee*, Philadelphia, February 11, 1776.

tried to excuse the letter (which proved to be a description of the Provincial army) by saying he wished to exaggerate its numbers to prevent the British from attacking.[1]

The little seaport towns had fitted out cruisers to check the marauding of Captain Wallace and other British officers. One of these cruisers belonged to the small town of Falmouth (now Portland) in Maine. On the 11th of October Lieutenant Mowatt appeared before the town with several armed vessels, and gave the inhabitants two hours "to remove the human species"—after which a red pennon from the main-top-gallant would give the signal for destruction. To a deputation of the inhabitants he said that Admiral Graves had ordered the burning of every town from Boston to Halifax—adding that he expected New York was by that time in ashes. Next day the people of Falmouth stood on the heights while the ships opened fire. The bombardment went on all day; then the vessels in harbour were destroyed or carried off, and Mowatt left the people to go back to the smoking ruins of their homes. After this Washington posted 700 men in the towns and villages along the coasts, to prevent such depredations as far as possible.

On the last day of the year the last enlistments expired. "The desire of retiring to a chimney-corner seized them"—they could not be persuaded to stay.

Early in January, 1776, a great stir was observed in Boston Harbour—it was evidently a preparation for embarking troops. A squadron set sail. Washington guessed what it all meant. Last October letters from London had been laid before Congress, detailing a ministerial plan for cutting the rebellion in two by seizing New York and Albany. If this could be done, communications would be cut off between North and South; the rebel garrisons in Canada would be starved out; Johnson and the Indians could swoop down on New England, and the result must be the raising of the siege of Boston. The plan was to be accomplished by the aid of the Tories of New York and Long Island—already banded together in arms, and in close correspondence with Governor Tryon, still on board the *Duchess of Gordon.*

Washington naturally thought the movement at Boston was connected with this design. General Lee was eager to under-

[1] Church was imprisoned, but as his health was delicate he was soon allowed to leave the country. He sailed for the West Indies, but the ship was never heard of again. Paul Revere had had suspicions of the Doctor—he knew that someone was betraying what passed at the meetings of the "Sons of Liberty."

take the securing of New York, but Congress—much better at drawing up remonstrances and framing constitutions than at making war—could not make up its mind. Washington was not sure his authority extended so far. John Adams thought it did, and at length Lee was sent. Congress ordered the enlistment of troops for the security of New York, and then—just as the attack on the Tories of Long Island was about to be made—ordered disbandment. At last, on the 4th of February, Lee arrived in New York, and the same day Sir Peter Parker's squadron, which the besiegers had seen leaving Boston, put into harbour, with Sir Henry Clinton on board.[1] The city had been thrown into a terrible panic when the loyalists were to be attacked; it was now more terrified still, and many removed their goods into the country.[2] But Clinton's errand was not with New York—he was going south. He had merely looked in, he said, on a short visit to his friend the Governor, and to see how matters stood—he would not stay—he had no troops with him, and he pledged his honour that none were coming. Lee was vowing that if Clinton set a single house on fire he would chain a hundred loyalists by the neck, "and make that house their funeral pyre." The unhappy New Yorkers did not know which General to be more afraid of. But Lee was one of those whose bark is worse than their bite.

Clinton went on to South Carolina; and the rebels set about the defences of the Hudson. There is a grand defile, fifteen miles long, where the river winds between "forest-clad mountains and rocky promontories." Two forts, Washington and Montgomery, about six miles apart, had been begun there last autumn, as soon as the letter from London was known.

Lee now made a strong redoubt at Horen's Rock, opposite Hell Gate, to prevent an enemy from passing between the mainland and Long Island. "What to do with this city," he wrote, "puzzles me. It is so encircled with deep navigable water, that whoever commands the sea, commands the town." It was so indeed, and the town lived in terror of a bombardment. Meanwhile Lee freely "weeded out" Tories, until a British officer said he had driven out "all the well-affected people. . . . To see the vast number of houses shut up, one would think the city almost

[1] Clinton was related to the Duke of Newcastle. His father had been Governor of New York.

[2] "All that day and all that night were there carts going and boats loading, and women and children crying, and distressed voices heard in the roads in the dead of the night."—*Letter quoted by Irving, "Life of Washington."*

evacuated. Women and children are scarcely to be seen in the streets." The troops took possession of any house for quarters that they found shut up. Lee did a great deal to strengthen this indefensible place, but early in March he was sent to South Carolina to take the command against Clinton.

On the 1st of January, 1776, the new flag was unfurled—it had thirteen stripes—one for each colony. By now Washington had not 10,000 men. Next day, however, a piece of fortune befell him—a large brigantine, the *Nancy*, full of arms and ammunition, was taken, and the stores were brought into camp—2000 Tower muskets, 100,000 flints, 30,000 round shots, and 30 tons of bullets, together with a monster mortar, which Putnam christened "The Congress." But she split the third time she was fired. And on the 16th came news from Schuyler—the assault on Quebec had failed, Montgomery was killed and Arnold wounded.

At last, in February, Washington had organised his army—recruiting it amidst all the difficulties that attend a citizen army which will serve only under officers of its own choice. He drew his lines closer and closer. Putnam—always crying out for powder—powder!—was entrenched on Cobble Hill, and was mounting the huge brass mortar taken in the brigantine, ready to bombard Boston. The marshes were frozen over. Washington was only waiting for Knox to bring the cannon from Ticonderoga. At last, far in February, it came—43 cannon, dragged through the frozen forests and over the lakes of Canada, on "strong sleds," by eighty oxen.

Washington meant to take Dorchester Heights first, and then Nook Hill, close to the town—the familiar names bring the unnatural character of the conflict into terrible relief! The day was to be the anniversary of the "massacre." Minute-men came in from all the countryside; and to divert the attention of the besieged a heavy cannonade was kept up for two nights. The wife of John Adams has left a record of how the awful sounds struck on the hearts of non-combatants.

Harassed by small-pox,[1] and sickly from the want of fresh provisions, the British in Boston thought England had forgotten them. "We are shamefully neglected," wrote Dr. Oliver. "If 10,000 troops had been sent last fall, the matter would have been over." The besieged relieved their ennui by theatrical representations. One of these—said to be written by General Burgoyne—was called "The Blockade of Boston." It made great fun of the

[1] Howe forbade inoculation because it spread the disease. He had been advised to cease firing upon the rebels, as it only inured them to danger!

Provincials—Washington was represented as a "hedge-general" in ragged regimentals, with a huge wig, and a long rusty sword. Just as this personage came on the stage, a sergeant rushed on behind him, exclaiming, "The Yankees are attacking our works on Bunker's Hill!" It was the beginning of Washington's attack, and the guard at Charlestown had been surprised.

The regular bombardment began on the 2nd of March. On the evening of the 4th, General Thomas began to entrench a line along Dorchester Neck. As on that other March night, the moon was shining, but there was a slight haze, and the cannonade of the Provincials so engaged the attention of the garrison, that even those who were watching the flight of the shells did not suspect what was going on, till the dawn showed two strong redoubts crowning the two hills. Howe said they "must have been the work of at least 12,000 men"; and to his officers they seemed almost the effect of enchantment.[1] He called a Council of War. It was resolved to try to dislodge the enemy, and Percy was sent with 2400 men to attack Dorchester Heights. But he got no farther than the Castle —then a great gale sprang up from the south, and, raging all night, drove some of his transports ashore. The Americans had floating batteries, and boats ready to carry 4000 men into Boston. On the morning of the 6th—the storm had scarcely abated—a second Council advised instant evacuation. There was no time to make special terms for the refugees, but the Selectmen were allowed to go to the enemy's outposts, and come to what informal arrangement they could. Before they went, Howe told them he saw that Mr. Washington was determined to have the town; and as Boston was of no consequence to the King's service, he would abandon it, if Mr. Washington would not disturb his embarkation—it was a pity so fine a town should be burnt. And he showed them the combustibles he had laid ready for firing it. Washington would make no promises whatever; but the arrangement suited him very well—the truth being that his great cannonade had again almost exhausted his powder. It was understood that if the British did not attempt to fire the town, they might embark unmolested. So all Howe's army—according to his orderly book, which fell into the hands of the Provincials, it was 7575 strong, exclusive of the staff, the marines, and the sailors—began to embark at 3 o'clock on the morning of the 8th. All the iron ordnance on the Neck and Bunker's Hill had to be left—also all the artillery horses, "which General Howe had not time to put on board ship." He

[1] "They were all raised during the night, with an expedition equal to that of the genii belonging to *Aladin's* wonderful lamp."

threw into the sea two bombs for the same reason. "The confusion was very great." "The people of the town, who were friends to Government, took care of nothing but their merchandise," says a letter written on board H.M.S. *Chatham*, on March 24; and not only made the men belonging to the transports embark their goods, but filled several of these vessels with private property, instead of with the King's stores. "It was not like breaking up a camp . . . it was like departing your country, with your wives, your servants, your household furniture, and all your encumbrances." With great difficulty the soldiers, "who thought they were exchanging for the better," were kept from plunder and drink. The 1500 refugees had to be crowded into the transports, and were embarked first. Thirty-seven of them were huddled together on the floor of Hallowell's cabin. Hasty and unsuccessful attempts were made to "burst" the mortars and heavy artillery, and to destroy the small-arms belonging to the town (the arms of which Gage had cheated the people); and while this was going on, a Provincial deserter came in and told Howe that Washington was preparing for "a general storm," whereupon all the troops were hurriedly embarked, and even the hospital stores were left behind. Howe blew up Castle William, as he fell down to Nantasket Roads with his 160 transports and the three men-of-war. "The terms of agreement between the two Generals were secret," says another letter with great frankness; "but it is supposed that nothing was to have been destroyed, and that this breach of it determined the Provincials to enter the town sooner than was intended." Washington entered Boston with drums beating and colours flying, as Howe quitted it. The "colours" were the flag bearing the words, "AN APPEAL TO HEAVEN."

The army which had cost Great Britain a million sterling thought itself happy to have embarked in safety. On April 8, after a miserable, though luckily short, voyage—for their clothes were all worn out, and it was bitterly cold—the troops reached Halifax, and found it "a cursed cold, wintry place, even yet. Nothing to eat, and less to drink."

CHAPTER XLVI

CANADA

"SIR,—I have already in my letter to you of the 5th inst., hinted that the time might possibly come when the King, relying upon the attachment of his faithful allies, the Six Nations of Indians, might be under the necessity of calling upon them for their aid and assistance in the present state of America. . . . It is therefore, his Majesty's pleasure, that you do lose no time in taking such steps as may induce them to take up the hatchet against his Majesty's rebellious subjects in North America, and to engage them in his Majesty's service, upon such a plan as shall be suggested to you by Gen. Gage, to whom this letter is sent, accompanied with a large assortment of goods for presents to them, upon this important occasion."—*Lord Dartmouth to Colonel Johnson, his Majesty's Indian Agent*, July 24, 1775.

"Quebec, Aug. 10, 1775.—About three weeks ago Col. Guy Johnson, his Majesty's Superintendent of Indian affairs, arrived at Montreal, accompanied by a considerable number of Chiefs and Warriors of the Six Nations; after which he held a General Congress with the Chiefs and Warriors of the Canada Confederacy, to the amount of 1700, who, in presence of his Excellency Gen. Carleton, unanimously resolved to support their engagements with his Majesty, and remove all intruders on the several communications."

"The people of South Carolina, in turning rebels to their king, have lost all faith; when opportunity offers, make the Indians take arms against his Majesty's enemies, and distress them all in their power. Supply them with what they want, be the expense what it will, as every exertion must now be made on the side of Government."—*General Gage to Stuart, Indian Agent for the Southern Department*, July, 1775."

RICHARD MONTGOMERY, one of the eight Brigadier-Generals appointed by Congress, was an Irishman, of the Montgomerys of Beaulieu. He entered the British Army in 1756, was at the Siege of Louisburg, Cape Breton, and the posts on Lake Champlain. He was also at the capture of Martinique and the Havana. At the Peace, he went to New York, but returned home (with his regiment) in 1765. Then he made the acquaintance of Barré, Burke, and Fox. In 1772 he sold out, and bought a farm at King's Bridge. Soon after he married. He bought an estate on the Hudson, and was settled in America. In 1775 he was a delegate to the First Provincial Congress at New York; and in June he "sadly and reluctantly" consented to be made a Brigadier-General. Now he

came to Canada as second in command. He was in his thirty-ninth year.

On June 1, 1775, Congress had disclaimed the intention of invading Canada, and a French translation of their resolution had been circulated. But on June 9 General Carleton proclaimed the American borderers to be rebellious traitors, summoned the French peasantry to serve against them, and engaged as many Indians as he could get.[1] His new commission gave him extraordinary powers. It authorised him to arm the Canadians and march them out of the country, for the subjugation of the other Colonies. He had even the power to execute all, in all places, whom he should deem rebels. Thus threatened, the Americans thought they might as well attack as wait to be attacked. The result was the expedition of Montgomery, and Arnold's wonderful march.

In the beginning of September 3000 Provincials under Schuyler marched into Canada. There were other incursions, and there was great independence of the central authority. Ethan Allen thought he could surprise Montreal as he had surprised Ticonderoga, but was himself surprised near Long Point by "a mixed party of regulars, English residents of Montreal, Canadians and Indians." They were 500, he counted scarcely 100, and after a fight of nearly two hours he and 38 of his men surrendered. General Prescott put him in irons, and sent him to England, where he was imprisoned in Pendennis Castle.

As was everywhere the case at the beginning of the war,

[1] At the Conference at Montreal, in the summer of 1775, Carleton gave each of the Canadian tribes a hatchet and war-belt. They were afterwards invited to "feast on a Bostonian, and drink his blood." General Schuyler's letter to Congress, from which the expression is quoted, says that "an ox was roasted for the purpose, a pipe of wine given to drink, and the war-song was sung." "One of the Chiefs of the Six Nations who attended at that Conference accepted a very large black war-belt with a hatchet pictured on it, but would neither eat nor drink, nor sing the war-song." He adds that this belt has now been delivered up, "by which it is proved that the servants of the Crown have attempted to engage the savages." The ox was jestingly named "Bostonian"—a jest nothing short of a crime, when we remember that the white men who indulged in it knew the customs in war of the red-men with whom they jested. The chief who refused to eat or drink at that unholy feast put the civilised race to shame.

Great promises were held out. "Quebec, Aug. 3, 1775.—Cap. William Dunbar's company of the Royal Highland Emigrants are promised 200 acres in any province of N. Amer. he shall think proper, the K. to pay the patent fees, Secretary's fees, and Surveyor General; besides 20 years free of quit-rent, each married man gets 50 acres for his wife, and 50 for each child on same terms, and one guinea levy money as a gratuity."—*Remembrancer.*

Montgomery was hampered for want of powder. But the little Fort of Chamblée—surrendered to him on October 20, after a siege of a day and a half—supplied him with seventeen cannon and six tons of powder. He defeated Carleton at Longeuil, and on November 2 took St Johns, "the key to Montreal." Immediately after Montreal capitulated. Canada seemed to be lost, and the capture of Carleton himself inevitable, deserted as he now was by all except the English immigrants. He wrote to Gage, "I had hopes of holding out for this year, *had the savages remained firm*; but now we are on the eve of being overrun and subdued." His despatch home of the 26th October was suppressed, and the *Gazette* informed the public that no news had been received later than the 12th, when Gage left Boston.

Meanwhile two battalions, led by Colonel Benedict Arnold of Newhaven,—sent by Washington to reinforce Montgomery,—had come up from New England by an untried route, suffering terrible hardships on the way—now rowing painfully against the fierce stream of the Kenebec; now, at the "carrying-places," unloading the boats and carrying them and their contents on their shoulders, through forest and morass, till they again reached a navigable part and took to the river once more. The "Great Carrying-place" was twelve miles across. On land they were torn by thorns and drenched by the early winter rains. So they went on, through bogs and swamps, by lakes and craggy ravines, up stony mountain-sides, the air growing ever keener, and the snow falling thicker every day, till it seemed as though they would never see the waters of the great Chaudière Pond. But Arnold had foreseen everything, planned everything; and at last—when they had come to half a square-inch of raw pork for dinner, and had eaten the dogs and the barber's powder-bag—they came out at Sartigan, twenty-five leagues from Quebec, and saw a human habitation—the first for thirty-one days. They also saw a party of French Canadians bringing the supplies which Arnold had hurried forward to seek. It was time—the invaders were brought so low that they wept for joy.

This was the 2nd of November—the day Montreal was taken. On the 9th Arnold began to embark his men in canoes, and before daybreak on the 15th he had landed them undiscovered at Wolfe's Cove. Unopposed, they climbed Wolfe's path to the Plains of Abraham, and summoned Quebec. No reply was given. In Carleton's absence, Cramahé, the Lieutenant-Governor, had put the walls into a good state of defence, and as he had intercepted some of Arnold's letters to Montgomery, he knew pretty well the numbers of his enemy. But the same day Prescott surrendered his flotilla

of eleven armed vessels, with all the troops and volunteers who had taken refuge with him on hearing of Montgomery's approach.

The night before,[1] Carleton, disguised as a peasant, and rowing with muffled oars, had slipped past Arnold's guard, where the Sorel falls into the St. Lawrence, and got safe into Quebec. He found the town so disaffected that his first act was to turn out all those who declined to volunteer for its defence. Nothing but the fear of being pillaged by the Provincials caused any of the inhabitants to rally to the Governor.

Montgomery came up on the 3rd of December; but the system of short enlistments operated with effects almost as fatal as the want of powder. Many of his men had gone home already, and the engagements of the New Englanders expired on the last day of the year. He had only 600 all told, and had been compelled to leave some of these as garrisons. Arnold's 1000 were reduced to 675 by the terrible march. But Quebec was provisioned for eight months—long before that, succour would be sent from England. There was nothing for it, therefore, but to storm, and there was no time to be lost. But a dark night must be waited for, and it did not come till the 30th, and then it came with a snowstorm from the north-east. As the Provincials scrambled up the rocks, covered by two feet of snow, they often slipped and fell. All went wrong. A deserter had betrayed the plan to Carleton, all the garrison were sleeping in their clothes, and two-thirds were under arms. The signal for the assault was given half an hour too soon, and served to warn Carleton. Dearborn's company were too late—they had to cross the Charles at high-tide. Another company lost its way in the snow. A young Irishman, who afterwards joined Burgoyne's army as a volunteer, has left us a description of the causeway by which Montgomery made his attack. It was not more than 24 feet wide; on one side a lofty perpendicular rock, and on the other a steep precipice, without any fence, down to the river. This causeway was defended by two strong barriers—the first was immediately abandoned by the British, and, flushed with success, the Americans rushed on to the second, where two pieces of cannon were concealed, and were fired on their approach. Great numbers were killed and wounded, and many fell down the precipice—the British had orders not to fire till the enemy was close at hand, and as the Americans advanced many abreast they were mown down. Montgomery, leading the way, fell at the first discharge; the attack was repulsed with loss, and Aaron Burr was one of the few officers not wounded.

On the north-west side of the town, Arnold, leading the assault,

[1] November 16–17.

was almost immediately wounded. Morgan cut his way into the town, but only to find himself outnumbered, and after a long and stubborn resistance he was compelled to surrender.

The British loss was small; that of the Americans about sixty killed and wounded, and three or four hundred prisoners. Carleton used them kindly, and even allowed Morgan to go home on parole. Bitter was the grief for the gallant Montgomery. Even his enemies lamented him. Carleton buried him honourably in Quebec; Burke and Fox pronounced his eulogy in the House of Commons; and even North admitted that he was a brave, able, humane, and generous—rebel.

The assault on Quebec had failed, but Arnold maintained the blockade till spring. His wound, which was in the leg, was very severe, and healed slowly. Like Washington, he was in sore need of men and money—at one time sickness had reduced his force to 500 men. The small-pox raged, and there were neither barracks nor medicines. Arnold did what he could, by intercepting Carleton's supplies and harassing him with alarms. But the Canadians were not now so friendly—they looked on the Americans as intruders, who might spoil them with their new masters. Carleton was a very different Governor from Bernard and Hutchinson—he did not drive his province into rebellion by treating it as if it was just going to rebel. But, sure of reinforcements in spring, he would not hazard a sortie.

In April, General Wooster came from Montreal with reinforcements. Arnold thought Wooster—a very much older man—did not consult him enough on military affairs, and asked leave of absence. He went to Montreal and took command there. Soon General Thomas came to Quebec. The men were in a wretched state, but as soon as the river was clear of ice Thomas devised a scheme for another attack—he would send up a fire-ship with flood-tide, and make the assault when the shipping in harbour was in flames. It was tried on the night of the 3rd of May. The ship came up, and was not observed till close on the shipping. Her crew applied the match to the train and rowed away. But the flames caught her own sails, she did not fetch up, and drifted harmlessly away with the ebb.

There was now nothing for it but to raise the siege before the British reinforcements arrived. The Provincials were embarking when, on May 6, the *Surprise*, the *Isis*, and the *Martin* came into the Bason, bringing the 29th and the Marines. Carleton called his besiegers "these mighty boasters," but his own despatch shows that they had prevented any supplies coming in, had burnt the

suburbs, and had kept him in constant expectation of an assault for three months. He did not pursue them on their retreat.

Now came the affair of the Cedars—in itself unimportant, except for the light it throws on the manner of warfare when Indians were enlisted, and also because it affected the exchange of prisoners throughout the war.

There was no longer any pretence that Indians were not employed—every effort to enlist them had been ordered by Germaine, and every British force marched accompanied by its bands of Ottawas, Chippeways, Wyandots, Shawnees, and Senecas.

The Cedars was a small fort on the St. Lawrence, forty miles from Montreal. On the 12th of May, 1776, Captain Forster marched to attack it, with a mixed force of English, Canadians, and "savages" (we did not even shrink from the word); wishing "to relieve the citizens of Montreal from the oppressive tyranny of the rebels." Major Butterfield commanded at the fort. Forster summoned him to surrender, "while it was yet in his power to save their lives," as, if they delayed, "the savages" could not be restrained. Butterfield refusing, and Forster hearing that a Major Sherburne was advancing with a small force to relieve the post, sent a letter in which he told Butterfield that he had, "by entreaty, overcome the resolution formed by the savages, of allowing no quarters, on your refusing my offer to you." He again invited Butterfield to surrender at discretion, but promised the garrison personal safety; but "as the disposition of the savages is not very certain," advised him to "take advantage of the present favourable terms."[1] Cowed by these threats, and not knowing that relief was coming, Butterfield surrendered. "The savages" had to be allowed "to take the plunder." Being "dissatisfied with the capitulation," they also stripped the prisoners of "some watches and money, and perhaps of a laced hat or two; but of nothing else, nor did they receive any other insult." At this moment news was brought that "80 savages, aided by 18 Canadians, under the command of M. Maurer, had attacked Sherburne's party, killed 5 or 6 and made 97 prisoners." Forster had sent M. de Montigny to harass Sherburne, but the latter was already defeated before the Frenchman could arrive. It is impossible that Sherburne could have been overwhelmed by equal numbers. The Provincial account gives the force which attacked as 500, and says that he was "surrounded." The English Officer continues, apropos of Sherburne: "It is here to be remarked, that they were made prisoners without any stipulation, and that savages ever deem their prisoners as private

[1] "English Officer's Narration," *Gentleman's Magazine*, 1777, p. 68.

property, *and have, generally, in former wars, sacrificed their prisoners to the manes of their deceased friends.*"

"The savages who remained at the Cedars," continues the Officer, "had been very unruly, and notwithstanding every effort to prevent them, did strip some of the prisoners." They also "threatened to revenge on them the loss which their friends, then engaged with Sherburne, might sustain; which happening to be a principal chief of the Senecas, killed, with others of different nations wounded, they became still more violently enraged." "To appease them, individuals were bought from them at high prices," and presents to a considerable amount were given to the friends of the killed and wounded Indians. "All endeavours proved ineffectual with some of the savages, who would not relinquish their prisoners, yet they were but few. The whole number of our prisoners amounted to 487, who, being all lodged together, and the savages insisting on their right to pillage the prisoners taken at Quinchien [Quinze Chene], they could not be prevented from entering the barracks for that purpose, and we do fear they pillaged the prisoners indiscriminately; but they did not otherwise injure them."

This is the defence—the best story that can be made out for Forster and his "savages." The American account says that "two of the prisoners were put to death" the evening they were taken (perhaps these were the prisoners whom the "savages" would not "relinquish"), and "four or five others at different times afterwards." One, who was included in the capitulation, was killed on the eighth day after the surrender. "That one was first shot, and while retaining life and sensation was roasted, as related by his companion; and that several others were left exposed on an island, naked and perishing with cold and hunger."

This account was published by Congress in the following July, together with the "Narration" of an Officer in the Royal army, quoted above. It is to be observed that Congress was furious with Butterfield for surrendering, and takes care to say that Forster's force consisted of 40 regulars, 100 Canadians, and 500 Indians, "and had no cannon," and that the garrison of the Cedars had ammunition and victuals enough to have held out for twenty or thirty days.

The story had a sequel. The Officer's Narration continues —The prisoners were taken to an island, when it was discovered that Arnold was coming to the rescue, and preparing to attack, and in the evening he made a descent on the post, but was repulsed. "Now the savages seemed determined to

disencumber themselves of their prisoners." To frustrate this inhuman purpose, a flag was sent to Mr. Arnold, "with a cartel for an exchange of prisoners." The American version is that Forster threatened that if Arnold attacked every prisoner should instantly be killed. (The English version—"disencumbering themselves" is not incompatible with this.) After much hesitation, Arnold agreed to the cartel, with an amendment of the article restraining the Americans from again taking arms. Arnold gave four hostages —who were immediately, says the American account, plundered and stripped by the savages; and Forster gave up his prisoners—except a few Canadians, "as they were to be considered even in a worse light than deserters from his Majesty's army." These were afterwards released. The English Officer admits that while the prisoners were embarking "the savages amusing themselves by the waterside, did fire several muskets," but they did not hurt anybody, nor mean to hurt. He adds that the prisoners who remained with "the savages" were bought from them, at a considerable expense, but were treated by the Indians during their captivity "more like children than prisoners," and if they remain, "do so by choice." The hostages also have been sent home, and are very indignant with their leaders. Thus, from being a set of unmanageable savages at the commencement of the "Narrative," at the end the Indians have become paternal hosts of their involuntary guests.[1]

Congress was so angry with Butterfield for his hasty surrender, that it was only induced even partially to ratify Arnold's agreement by the consideration that Sherburne had fought bravely at great odds. For the rest, it resolved that Arnold had exceeded his powers in promising an unconditional exchange, and it refused to give up the British prisoners until the "authors, abettors and perpetrators of the horrid murder committed on the prisoners" were delivered up, and indemnity made for the plunder, —these acts being contrary to the laws of Nations,—with a threat of retaliation in kind if the enemy ill-treat the prisoners remaining with them. For nearly five years Congress persisted in its refusal to reckon the prisoners taken at the Cedars as returned prisoners, and only gave in at last when it was desirable to consent to exchange General Burgoyne.

After these disasters, Schuyler's position became almost intolerable. Everything was laid to him—he had not got up reinforcements and supplies; he had let Sir John Johnson go when

[1] This Narrative is attested by Andrew Parke, Capt. in the King's 8th Regiment, J. Maurer, and Hugh Mackay. "The truth confirmed by Capt. Forster."

he had him in his power. It was even hinted that he was a traitor, and he heard that some of the people in the Hampshire Grants had thought of seizing him as a Tory. The Hampshire Grants were at the bottom of the prejudice against this most respectable and honourable man. He had been one of the Commissioners, and had defended the rights of the New York grantees against the New Englanders—and was never forgiven. Washington, however, stood by him; and on calmer reflection the Committee of Berkshire County admitted that they had been hasty. But all these heart-burnings did not improve American chances of success.

Little by little the invaders were being driven out. General Thomas was dead of the small-pox. Sullivan came to take command, and for a moment it seemed as though the Canadians would rally to the Americans after all. Sullivan wrote glowing accounts—he did not know that Burgoyne had arrived with a new army.

CHAPTER XLVII

IN ENGLAND

"I cannot help thinking these, an oppressed people, asked for nothing more than their legal rights, and that in the most modest and inoffensive manner that the nature of the thing would allow. But, waiving this, I ask: Is it common sense to use force toward the Americans? . . . these men will not be frightened, and they will not be conquered easily. Some of our valiant officers say, 'Two thousand men will clear America of these rebels.' No: nor twenty thousand . . . nor perhaps treble that number. They are strong, they are valiant; they are one and all enthusiasts; enthusiasts for liberty; calm, deliberate enthusiasts. In a short time they will understand discipline as well as their assailants.

"But you are informed, 'they are divided among themselves.' So was poor Rehoboam informed concerning the ten tribes; so was Philip informed concerning the people of the Netherlands. No: they are terribly united; they think they are contending for their wives, children, and liberty."—*John Wesley to Lord Dartmouth*, June, 1775.

"It is with the utmost astonishment that I find any of my subjects capable of encouraging the rebellious disposition which unhappily exists in some of my colonies in North America."—*His Majesty's Answer to the Humble Petition presented to him from the City of London, deprecating the War with America*, April 10, 1775.

"We have already expressed to your Majesty our abhorrence of the tyrannical measures pursued against our fellow-subjects in America. . . . As we would not suffer any man, or body of men, to establish arbitrary power over us, we cannot acquiesce in any attempt to force it upon any part of our fellow-subjects."—*The Humble Address, Remonstrance, and Petition of the Lord Mayor, Aldermen, and Livery of the City of London, agreed to in Common Hall*, June 24, 1775.

GOVERNOR HUTCHINSON was in the confidence of Ministers, and his *Diary* of this date is particularly interesting for the glimpses it affords us behind the scenes. All the alternations of public feeling are there recorded. Thus in February, 1775, he writes, "Administration is tender, doubting, and undermined. Opposition — or rather Lord Chatham — resolute and determined." Hillsborough complains to him of "the langour about America,"— all owing, says the ex-Colonial Secretary, to North's aversion to

business.[1] The Punitive Bills scared Hutchinson. Of the Port Bill he writes, "I had rather no Bill had passed than such a one as this; as soon as I knew of it, I gave my opinion that it would distress more of the friends than of the enemies to Government." He begged that Boston might be opened, though the other ports were closed. But even this small favour was denied him—"it looks like concession." The "langour" was passing. On May 23 Jenkinson tells him "the kingdom would raise twenty millions a year, rather than concede American claims." Hutchinson hears "one and another of the King's Ministers say there is no receding. And yet to think of going on, makes me shudder."[2]

The first news of Lexington came by Captain Darby on the 28th of May. He had sailed from Marblehead on the 29th of April, and brought the account prepared by Congress. The first governmental news came on June 10, by "a young lieutenant who commanded the first party at Lexington." It was a great shock. On the 19th Gibbon told Hutchinson that many who had been strong for the late measures "were much discouraged, they having been made to believe there would be no action." Doubtless owing to this "discouragement," a singular rumour presently spread of a second action, in which the Americans had lost 2500 men. Secretary Pownall told Hutchinson of this rumour on the 19th of June—it was a "report from Bristol." On the 24th came the news of Ticonderoga; and now a veritable panic set in. There was a scare of a Spanish fleet. A stranger stopped Hutchinson in the Park, and told him the War Office had heard Gibraltar was taken! On July 18 Jenkinson came to ask Hutchinson about the report of a second action—"*on June* 16"—this time, a letter from Bristol had mentioned the arrival of a lieutenant at Waterford with the news. On the 21st a rumour ran through the town that the *Cerberus* was arrived—she was known to have sailed on the 18th of June—and had brought news of a great battle—"the regulars lost 2000, the provincials 5000." But the *Cerberus* did not come till the 25th, and these premature rumours remain unexplained.[3]

[1] "Nothing kept him from resigning but the love of money, and his father's desire that he would keep in till all his connexions were provided for, and they are numerous."—*Diary*, February, 1775.

[2] Three years after this, Hillsborough told Hutchinson that North was "a good man, but apt to resolve suddenly, and then repent when he finds it more difficult than he expected."

[3] "On—or before—the 19th of July a rumour spread—traced to a vessel just come from New England—of an action on June 23, more bloody than that

"It was a dear victory," says Hutchinson in recording it.[1]

The New York Remonstrance had already (May 15) been censured by the House, and left with no answer. The King now recalled Gage, and appointed General Howe in his room—the last Royal Governor of Massachusetts Bay. He next set about raising troops—Scotch Highlanders, Irish Papists, Canadians, Indians, all were to be employed. By the 4th of August he had got five battalions from his Electorate—he explains to North that this will be cheaper than raising them at home; above all, there will be no half-pay afterwards!

The immediate effect of the resistance of the Colonies was a lightening of the oppression under which Ireland had groaned ever since William the Deliverer "restored" liberty to England, and riveted Ireland's chains. Ireland was still classed with the Colonies — Congress invited her to join in their protest. The British Government had so far learned a lesson from America as to perceive that this was not a favourable moment for keeping its foot down on Ireland. The repeal of the Penal Laws began to be considered, and in July Congress sent a message to Ireland expressing "inalterable sympathy," and joy that the trials of America had extorted some mitigation of Ireland's wrongs.[2] Those who resist oppression anywhere, aid the cause of the oppressed everywhere.

On the 6th of July Congress adopted a very remarkable

of the 17th. On July 20 'a letter received at a capital house in the city,' contained an imperfect account of the engagement near Boston, in which it was said, that 5000 of the provincials were either killed or wounded, with a considerable loss on the part of the regulars. This account was reported to have come by a ship arrived at Whitehaven. Another account was received about the same time, which differs but little from the former in ascertaining the loss of the provincials; that of the regulars was said to be 3000. Whether these letters were real or imaginary, they came from two different quarters of the kingdom; and one of them fixes the very day on which the battle was fought."—*Remembrancer*, p. 349.

[1] A story went that when the news of Bunker's Hill came, the King summoned a private council of Jenkinson, Lord Barrington, and another. "His Majesty seemed highly displeased when it was over; supped on a potato and a glass of water, his usual food when *things go wrong*." The King was so impressed by seeing his Uncle of Cumberland die at forty-four of a complication of diseases brought on by corpulence, that he was very sparing in his diet.

[2] The Bishop of Derry wrote to Dartmouth that he believed the rebellious spirit of America was due to "the exportation from Ireland of nearly 33,000 fanatical and hungry republicans in the course of a few years."—May 23, 1775.

document—a Declaration of the Causes of their taking up Arms.[1] They then drew up Appeals to the Inhabitants of Great Britain, and to the People of Ireland. They had before appealed to Canada. Lastly, they adopted the Petition to the King—to be the last. They called it "an Olive Branch." On July 12 Richard Penn, a former Governor of Pennsylvania, and Dr. Arthur Lee, embarked with it for England.

When Penn arrived, on August 11, not a single Minister sent for him, or asked him a single question. The King would not see him. "The King and his Cabinet," said Suffolk, when approached to hear Penn, "are determined to listen to nothing from the illegal Congress." They will only treat with the Colonies "one by one." A Proclamation was getting ready, and the King was blaming North for delay. On August 29 this Proclamation was read in Palace Yard and at Temple Bar by the Heralds; and at the Exchange by one of the Lord Mayor's officers, attended only by the Common Crier—for Lord Mayor Wilkes would not have the horses out, nor allow the mace to be carried. The Proclamation prohibited all intercourse with the Colonies—it was, in fact, a Declaration of War. After it was read "there was a general hiss."[2] When at last—on September 1—Penn was "permitted" to hand "the Olive Branch" to Dartmouth, he was told there would be no answer.

Chatham was ill again—the mysterious cloud had descended once more, and his voice was silent. But during the session of 1775-6, witnesses to justice and common-sense were not wanting. The strangest was the Duke of Grafton, who had reluctantly remained in the Cabinet till now. Before Parliament met he had a long interview with the King, and assured his Majesty that he was being deluded by Ministers who were themselves deluded. The King condescended to tell him that a large body of German troops would join the British force. "Your Majesty," replied Grafton, "will find too late that twice the number will only increase the disgrace, and never effect the purpose."

The Recorder of London put on mourning for the Provincials slain at Lexington.

[1] The Petition, and the "Causes of Taking up Arms," were written by Dickinson, of the *Farmer's Letters*. See end of Chapter.

[2] The *Public Advertiser* of June 9, 1775, mentions "a collection of £100 by some of the Constitutional Society, 'for the widows, orphans, etc., of the brave Americans inhumanly murdered by the King's troops at Lexington, April 19th, 1775, because they preferred death to slavery.'"

Nothing was spared to silence Opposition. Administration set about whispers of treason—directed against particular persons in both Houses. Probably the scare of the 23rd of October suggested to some informer the extraordinary charge against Sayre the banker—a story which by its insensate folly recalls the Meal-Tub Plot.[1]

Terrible things were said in the course of the Debates. Lyttleton, a former Governor of South Carolina, said "the Southern Colonies were weak, on account of the number of negroes in them." He intimated that, if a few regiments were sent there,[2] "the negroes would rise, and embrue their hands in the blood of their masters." He was against "any conciliatory offers . . . the colonists ought to be conquered, and *then* to have mercy shown them. *Parcere subjectis.*" Rigby said he would vote for the Address, "because it sanctified coercive measures. America must be conquered." In vain Adair urged that the colonists should be taken at their word, and put back to the footing of 1763. The Address was carried by 278 to 110 in the Commons—in the Lords, by two to one. The same day the University of Oxford addressed the King, and spoke of the Americans as "a people who had forfeited their lives and fortunes." On November 10 Richard Penn was examined at the Bar of the House of Lords, on the wish of America for a peaceful settlement.[3] Richmond moved that the Petition be

[1] On October 23, three days before Parliament met, "thousands of incendiary papers were dispersed, inciting the people to rise and prevent the meeting of Parliament." (Walpole, *Last Journals.*) The guard was trebled, and the Justices of Westminster distributed papers to let the people know the Court was prepared for any attempt. The same day Stephen Sayre, a London banker, an American born, was arrested and sent to the Tower for high treason. People at first supposed he had been sending money to the insurgents—but the charge was that he designed to seize the King, as he went to the House of Lords, hurry him to the Tower, and thence out of the kingdom! Only one witness spoke to this story, and no shadow of proof of any preparation was ever offered—it was alleged that a few sergeants had been bribed. The story spread through the kingdom like wildfire; but in a few days Sayre was brought up before the Lord Chief Justice, who let him be bailed in three recognisances of only £500 each! Sayre afterwards recovered £1000 damages in an action against Lord Rochford for false imprisonment.

[2] On the 16th of October, 1775, the King wrote to Lord North that when two regiments should be sent to Ireland in December, there would remain but four battalions in Britain.

[3] "Such scandalous jobs have prevailed, as on repetition would put common honesty to the blush. Scarcely a day has passed wherein I have not received several letters, some from private soldiers, others from officers, all of which have unfolded scenes of singular iniquity. . . . A most chimerical design was

accepted as a ground for conciliation. Two to one voted against him.

On November 1 Lord George Germaine was made Colonial Secretary. This man had been cashiered by a court-martial for cowardice at Minden. His friends said he had only erred through temper, and ill-will to Prince Ferdinand. George II had scratched him off the list of Privy Councillors with his own hand. It was almost the first act of George III and Bute to reinstate him; and no one action of the Favourite had more deeply disgusted Pitt. He would never sit with Sackville at the Council-Board. If there was a worse Colonial Secretary than Weymouth, Germaine was that worse. His rancorous dislikes were a serious hindrance to public business. He pursued Carleton with his resentment, and did his best to thwart the great efforts that general made to save Canada. It was Germaine's way to demand the impossible, and then to throw the blame of the inevitable failure on his subordinates. With an irritating love for minutiæ, he was not even methodical—we shall see that he was guilty of the most astounding piece of neglect known in all our history. He did all the more harm because he often spoke well, had some ability, and a lack of sympathy which shallow minds mistook for firmness.[1]

Somehow or other he seemed to put spirit into Ministers, while Opposition seemed to lose heart. Even the coming over of the Duke of Grafton did them no good. Horace Walpole has left a bitter description of the North Ministry as it was in 1776. He was a harsh critic, but the main features of his criticism cannot be denied.[2]

some time since on the tapis. It was proposed to send light horse to America. I had the curiosity to enquire. . . . I was told there was a precedent. . . . I was referred to Lord Oxford's letter to Queen Anne. In that curious piece the noble lord ascribes his misfortunes to a job of this nature. The sum of £20,000 was charged in an account for an ideal project of this kind. Lord Oxford exclaimed against the measure, but he was over-ruled by the Lord Chancellor, who roundly asserted, 'that no government was worth serving, that would not let them make those advantages, and get such jobs.'"—*Lord Shelburne in the House of Lords, on the Petition of the American Congress*, November 10, 1775. (When Mr. Richard Penn was examined at the Bar.)

[1] He was a son of the Duke of Dorset (Lord-Lieutenant of Ireland), and was Lord George Sackville until Lady Betty Germaine left him her fortune and her name.

[2] "Lord North was a pliant tool, without system or principle; Lord George Germaine of desperate ambition and character; Wedderburn a thorough knave; Lord Sandwich a more profligate knave; Lord Gower a villain capable of any crime; Elliot, Jenkinson, Cornwall, mutes that would have fixed the bowstring round the throat of the Constitution. The subordinate crew to name is to

The King's Speech had spoken of small forces to be sent to America. But it presently leaked out that he had written with his own hand to Catherine II, for any number of Cossacks, from five to twenty thousand, and *carte blanche* for the terms. Also that "Sister Kitty," as Gibbon called her, had refused, with something less than the civility usual between Sovereigns.[1] Fierce were the Opposition speeches against the employment of foreign troops —the bad precedent, the danger to liberty, and the enormous cost. Opposition were but a little band, and their ranks were every now and then thinned, as North succeeded in buying over one more to support Administration, but they made a stubborn fight, and disputed every inch of the political battlefield. Bill

stigmatise; they were Dr. Johnson, the pilloried Shebbeare, Sir John Dalrymple, and Macpherson! The pious though unconscientious Dartmouth had been laid aside . . . Lord Barrington remained to lie officially; Lord Weymouth had acceded with all his insensibility to honour, and by acceding had given new edge to Thurlow, who was fit to execute whatever was to be done. Almost every Scot was ready to put his sickle to the harvest, and every Jacobite country gentleman exulted in the prospect of reversing on the Whigs and Dissenters all their disappointments since the Revolution; and they saw a prince of the House of Brunswick ready to atone for all the negative hurt his family had done to their ancestors. . . . There was still another body ready to profit by the restoration of Stuart views—the bishops and clergy. How deeply and joyfully they waded into a civil war on the Constitution and on Dissenters, let their votes, addresses, and zeal for the war declare!"—Walpole, *Last Journals*, ii. 5.

"Lord George Germaine, as was foreseen, set out with spirit, seizing two chests of letters that were going out by a common ship to America."—*Ibid.*

Germaine was a tall, large-made man, with a powerful voice. He sometimes spoke well. He had a great advantage over North, in that his sight was very good, whereas North could hardly see clearly across the table. By this means, Germaine could judge of the temper of the House—see who was there, and know when to let a debate "drag," and when to close it. But his temper was very bad, and when he was angry he blurted out Government secrets. It was therefore the object of Opposition, when they wished to know what North would not tell, to insult Germaine, until he fell into a rage, and made indiscreet admissions. Even the King complained of his rancours and enmities, often harboured against the best officers.

Shelburne says that "a Mr. Carter, a shrewd old man, once observed young George Sackville at table, when a dispute occurred, and on his return to Ireland (Carter was Master of the Rolls for Ireland), advised the Duke of Dorset—then Lord-Lieutenant—whatever he did with his son, not to put him in the army." Shelburne thinks if the Duke had acted on this advice, Sackville would certainly have come to be Prime Minister, and have ruined the empire.—Shelburne's *Autobiography.*

[1] "The letter of the Empress is a clear refusal, and not in so genteel a manner as I should have thought might have been expected from her. She has not had the civility to answer in her own hand, and has thrown out some expressions that may be civil to a Russian ear, but certainly not to more civilized ones." —*The King to Lord North*, November 3, 1775.

after Bill of "Propositions for Conciliation" was moved and lost. On November 16 Burke's "Composing Bill" was debated.[1] Governor Pownall took a strange line. "If we are to repeal all Acts which grant duties as revenue, in 1696, not in 1764, was the system changed." In King William's time a tax of 6d. a month was laid on American seamen, for augmenting the revenues of Greenwich Hospital. By the 10th Anne, the Post Office granted duties in America to enable her Majesty to carry on the war with France. Let gentlemen who doubt whether before 1764 duties were ever appropriated to revenue, refer to the Civil List Act, 1st George I,—there they will find that the plantation duties granted by the 25th Car. II to the King and his heirs, are to be paid into the Exchequer, to form a fund for the Civil List. It is therefore of no use to repeal only Acts since 1764! They should ask for the repeal of everything since 1672.

On the 20th of November North brought in his "Prohibitory Bill"—usually called "the Capture Bill," because one clause authorised the seizure of every species of American property found floating on the sea, or in ports or harbours, and the sharing of the spoil among the captors. This the Duke of Manchester declared was "a direct violation of that yet sacred palladium of our liberties, the Bill of Rights." It was also objected that the Bill would ruin the West Indian planters—whose goods were already embarked, and could not be recalled. A member who had much at stake insisted on being heard on this—the House trying to shout him down. Under this Act, also, prisoners taken in American ships could be compelled to fight against their countrymen.

Recruiting was not brisk—to the credit of the Englishmen of that day, the American service was not popular. It was even said that at Bunker's Hill the regulars had with difficulty been got to fire on men who spoke their own language. Nor were the Irish eager to enlist. The King was compelled to try Germany—the only country which sold its people for soldiers. Besides his own 2355 Hanoverians, he bought 4636 Brunswickers of the "most serene Duke," at thirty crowns Banco per head levy money, the crown to be reckoned at 4s. 9¾d.; pay to be the same as for the royal troops; every man killed to be paid for at the rate of levy money, and three wounded men to reckon as one

[1] "No Englishmen, except the members, were admitted during this debate; the only strangers in the gallery were four women of quality, and a few foreigners."—*Morning Chronicle*, quoted in *Parl. Hist. XVIII*, p. 963.

killed. Sick and wounded to be taken care of in British hospitals. Besides the levy money, the King was to grant his "most serene Highness" an annual subsidy, to commence from the day the Treaty was signed—64,500 German crowns a year, as long as the troops "enjoyed" the pay, and double that amount when the pay ceased—this double subsidy to continue for two years after the troops should return to Brunswick.

His Most Serene Highness, the terrible Landgrave of Hesse Cassel, demanded higher terms, and was so violent that he frightened Faucitt, the King's Agent, into accepting them. The double subsidy was to be paid from the day the Treaty was signed till it expired. For his 12,000 men the Landgrave asked 450,000 crowns per annum,[1] and a year's notice, the notice not to be given till the troops actually arrived within his dominions. He would not even let the British Government do the clothing of these levies. Another Most Serene Highness, the Reigning Count of Hanau, sold 668 of his subjects at the same rate per head, and a subsidy of 25,000 crowns, with the year's notice as before. Then there were the Waldeckers and the Anspachers. All these petty sovereigns were to be guaranteed against attack while their armies were away bringing America to reason. Frederick the Great heartily detested the business, said he was glad he had no

[1] Thirty crowns were about £7, 4s. 4d., so 450,000 crowns were equal to £108,250. The Landgrave's treaty was in force about ten years, so he made £1,200,000 on the transaction. These high terms were paid that the troops might be ready by February. They were ready by the 15th, but they came in private ships, that interested people might levy a commission on the contractors, so the first detachment of Brunswickers did not sail from England till April 4—and yet reached Quebec before the first of the Hessians were out of the Channel. More tragic incidents are commemorated in Schiller's *Kabale und Liebe*.

"*Lady Milford.* What did these jewels cost?

"*Valet.* Nothing.

"*Lady M.* Did you say these precious jewels cost nothing?

"*Valet.* Yesterday, seven thousand children of the land left their homes for America—they pay for all.

"*Lady M.* What distresses you, old man? you are weeping?

"*Valet.* Yes; for those jewels—my two sons are among the number.

"*Lady M.* But they went not on compulsion?

"*Valet.* Oh dear no! they were all volunteers. There were certainly some few forward lads who pushed to the front of the ranks and inquired at what price the Prince sold his subjects per yoke. Upon which our gracious ruler ordered the regiments to be marshalled on parade, and the malcontents to be shot. We heard the report of the muskets, and saw brains and blood spirting about while the whole band shouted—'Hurrah for America!'"

colonies, and swore he would make the levies pay toll as cattle if they came through his dominions—and he did. Some of these human cattle tried to escape. Many deserted on the road—especially in Prussia. The Brunswickers fled to Hanover. The Anspachers refused to march, and their Prince was obliged to disarm and fetter them, and drive them himself with a whip to the seaside! On his return from this unpleasant duty he was hooted in every Dutch town he had to pass through. The Hessians, on the contrary, were eager for the unlimited loot promised them by their hirers. Most of the treaties contain a clause that the men shall not be allowed to settle in America without their sovereign's permission. They were too valuable to be lost.

Great was the misery in England that winter. The weather was uncommonly severe—flocks of sheep were buried in the snow, coaches were overturned or detained on the roads, the mails were late, post-boys and travellers were frozen to death, intercourse between towns was interrupted, and the sufferings of the poor were so great that circular letters were sent to every county and all Justices of the Peace recommending—*the carrying out the Act* 17 *Geo. II against rogues and vagabonds.*

In January came a report of the capture of Quebec, and certain news, that if not taken, the town was besieged by the Provincials, and the whole province almost lost. When Admiral Graves arrived, he brought news—obtained no one knew exactly how—that the attack had failed, and Montgomery was killed; but Ministers feared this was too good to be true. As soon as Parliament reassembled, Fox moved for an enquiry into the causes of our ill-success, but the good news was soon confirmed. On March 11, on the terrible subject of the Army Extraordinaries, Burke told the House that the 40,000 men who conquered Canada for England cost less than the 8000 now cooped up, starved and disgraced, in the town of Boston.[1] Then he referred to Montgomery, "who had conquered two-thirds of Canada in one campaign." Fox also praised Montgomery. North called them both to order for praising a rebel—a brave, able, humane, and generous rebel, it is true, but still only a brave, able, humane, and generous *rebel*, and that verse from "Cato" might be applied to him—

"Curse on his virtues, they've undone his country!"

[1] Barré said so small a body of troops had never cost the nation so much money; and it was ludicrous to compare Bunker's Hill with Marlborough's victories—the "forcing the lines thrown up by a mob in a summer's night" compared with Blenheim and Schellenburgh!

Fox said it was not always a disgrace to be called a rebel—all the great saviours of their country in all ages were called rebels; and they all sat in that House by virtue of a Constitution which they owed to a rebellion—

> "Sunt hic etiam sua præmia laudi,
> Sunt lachrymæ rerum——"

Then they fell to wrangling as to who proposed the tea-tax, and North said it was not he—he found it when he came—he interrupted Johnstone, and lost his temper. The House carried the Extraordinaries by three to one.

On the 27th of March, 1776, Burke proposed one of those motions which will keep his memory green in the annals of humanity. That day he asked leave to bring in a Bill to prevent the plundering of shipwrecked vessels.[1] Incredible as it may appear, as the law then stood all flotsam and jetsam was the property of the first-comers. Such a law produced its inevitable effect—it not merely completed the pecuniary ruin of the owner whose vessel had the misfortune to run ashore in a fog or a tempest—it created one of the worst forms of crime, by making a shipwreck a piece of good fortune for the neighbourhood. It was but one step from this to the temptation to make so fortunate a misfortune happen, and so we had towns and villages where "wrecking" was a science. It was not only in Scilly and Cornwall that wrecks were piously spoken of as God-sends, nor were those the only places where Providence was helped to send such blessings, by means of a lantern attached to a cow's tail—by which simple expedient many an ill-starred mariner was deluded into imagining he saw the light of a vessel riding safely at anchor in deep water, and so was lured to his doom. And, to men capable of such an enormity, it was but a final step to knock any survivors on the head. Burke does not seem to have referred to the darker aspects of the question—he confined himself to the undeniable practice of plundering. Scarcely a winter passed, he said, but our public prints contained accounts that were a disgrace to any civilised people. "Commercial countries—especially this, which prides itself so much on its national honour—ought to do all in its power to discourage such practices." He proposed that when a ship was plundered, the Hundred should make good the damage.

[1] "To prevent the inhuman practice of plundering ships wrecked on the coast of Great Britain, and for the further relief of ships in distress on the said coast."

Instantly the country gentlemen—who would have to pay—were up in arms. Not a word was said about our honour as a commercial nation. Some said, indeed, that the country gentlemen in a neighbourhood could prevent plundering if they tried, and so there was no need of a new law; and others said that the country gentlemen often exerted themselves to the utmost already—in vain—and so a new law would be in vain too, and very cruel besides. Leave would have been refused even to bring in the Bill, but Sir Grey Cooper, with a fine instinct for public opinion, said he should vote for leave—not that he meant to support the Bill, but because it would have "a very strange appearance in the votes" if leave were refused. So the Bill was "ordered in by 56 to 13," this not being a question which much interested the House.

Decency having been thus provided for, on April 30, when the Bill was read a second time, members felt free to speak their minds. "The Bill was more abused than the American measures."[1] It was called a cruel, a profligate Bill. Van, the bloodthirsty Welshman, called it "a Black Bill." Mr. Rice said the remedy was worse than the evil—meaning for the country gentlemen. Give us time to consider—let us try to make a plan—we will never consent that the County or the Hundred shall pay. Lord Mulgrave—answering those who protested that the Bill would be quite useless—said every man in the district where a ship was wrecked would have an interest in protecting the wreck—this was why, in old time, the Hundred had to make good losses by robbery on the highway. Other members said this was the only civilised country under heaven where such outrages were suffered. Henniker told the House how he had had a ship wrecked on the northern coast of England, where the gentlemen did their utmost, but to very little purpose. He had another wrecked on the coast of the Mediterranean—there, everything that was saved was returned to him, and when he offered a gratuity, the answer was, "No. You have lost enough in the loss of your ship—we will take nothing."

Wallace entreated the House to maintain at least "the appearance of public virtue." This is the only country in Europe where such things are done. Then Burke spoke for his Bill, showed them how well the French law worked, and reminded them of the severity of our other laws on stealing—we have laws against pulling a stake out of a hedge, or *touching* a paling—even against "disturbing a thorn." The House seems to have thought these laws would do—anyway, the country gentlemen, already

[1] Macknight, *Life of Burke.*

crushed under the land-tax, were determined not to pay for ships plundered by their tenants. The Bill was lost by 43 to 55.[1]

None of the American measures prospered. The Fishery Bill was passed so late that the fishing fleet had already started. Nor was it so easy to transfer the advantages of the fishery to Great Britain. The deficiency in men was not supplied, and all who were employed by sea or land were thrown into such distress that ships had to be loaded with food instead of with the fish. On the whole it was computed that by this stroke of Administration, half a million sterling "was left in the bowels of the deep, and for ever lost to mankind, by the first operation of the Fishery Bill." (*Annual Register.*) This was believed to be a judgment; and so were the calamities which fell on the British fishery, in a dreadful storm, whose worst fury was spent on the coasts of Newfoundland. The sea is said to have "risen thirty feet almost instantaneously." More than 700 boats perished with their crews, and the fishing-nets were hauled up laden with drowned men.

The expense of victualling Boston was appalling. Want of fresh provisions had caused great sickness there; so 5000 oxen and 14,000 "of the largest and fattest sheep," with "a vast number of hogs," were sent out alive. "Incredible quantities" of vegetables were "cured" in new ways. Five thousand chauldrons of coal were shipped in the Thames. Even faggots were sent out. The vegetables, casks, and vinegar came to near £22,000; and oats, hay and beans for the single cavalry regiment in Boston to nearly as much. Then there were corn, flour, and salted provisions. "The expense swelled in everything"—tonnage went up one-fourth.[2] But contractors flourished, and were patriotically zealous for this profitable war. Misfortune completed what extravagance had begun—the transports were so late in starting that the bad weather set in; they were detained by contrary winds—some even put back. The others were overtaken by tempests, till the greater part of the unhappy beasts perished uselessly, and the Channel was strewn with their carcasses. Most of the vegetables "fermented." When at last the transports neared the American coasts, the periodical winds drove them back—some to the West Indies—some, "entangled with the American coasts," were taken. The few that ever reached Boston had "beat the seas" for between three and four months. Very little of that vast provision ever

[1] No one seems to have remembered Defoe's indignant complaints of the practice.

[2] The Government were paying 11s. 6d. a ton for transport of troops and stores to America.

arrived in Boston, and very little that did arrive was fit to use. Subscriptions were got up in England for the relief of the soldiers in Boston, and for the widows and children. Ships came back with wretched cargoes of maimed and wounded soldiers. Even before the war could fairly be said to have begun the suffering and waste were terrible.

Revolutions and rebellions are always represented by the Governments which provoke them as the work of a few incendiaries—it is always "a few." Never was this stock assertion made with more persistence than by the British Government in the American quarrel. But if it had been so—if Samuel Adams, Hancock, and the other early leaders of the agitation, had indeed been nothing more than ambitious demagogues, who sought to raise themselves to power by persuading the Americans that they were oppressed when they were not—how could Government have played into their hands more effectually than it did? In order to prove that Adams lied when he called Parliament an oppressor, Parliament became an oppressor—piling up one savage measure on another, as though determined to let the colonists know what sort of a "mother-country" they had. So now, when this last "Olive Branch" was sent, and those who, like Adams, saw that Independence was the only way, and those who, like Washington, still hoped for a reconciliation which should retain America within the British Empire, were alike eagerly waiting to know the result, they heard that the King had refused to see Penn, that Dartmouth had said there would be no answer to the Petition, and that Parliament, by an enormous majority, had declined to look at it. Dartmouth had said there would be no answer—but there was an answer—the answer was the Proclamation which was a declaration of war, and the Prohibitory Bill, which struck madly at friend and foe—at rebellious Massachusetts and South Carolina, and at unoffending Barbadoes and Bermuda.

The fact is, as many an indiscreet speech in both Houses proves, the British Government knew full well that they had to deal with a people, not with a few demagogues. As soon as America made a show of armed resistance, the fiction of the "few incendiaries" was abandoned, and now it was a rebellious people —always rebellious, "since the times of Charles the First"—a people always secretly republican, though they showed themselves also rebellious to "the Commonwealth and Protectorate Parliaments." One statement was as false as the other. It is not in the power of a few demagogues to persuade a nation to rebel, unless that nation is itself galled by the yoke it is invited to throw off. And, strange

as it may appear to those who study the Statute Books, and read the abominable restrictions on the trade and development of the inhabitants of a vast continent, up to the last moment the colonists had the strongest attachment to the British Crown, and were proud to feel themselves a part of the British Empire. Only when they found that that Empire meant to make them its helots did they resist, and even then it was some time before they were sufficiently disenchanted to face separation.

The *London Gazette* of May 3, 1776, gravely informed the public that General Howe, "having taken a resolution, on the 7th of March, to remove from Boston to Halifax . . . the embarkation was effected on the 17th of that month, with the greatest order and regularity, and without the least interruption from the rebels." It at once excited surprise that the General should resolve to move so early in the season, "from a tolerable climate to one much worse." It also seemed odd that the Provincials "could all of a sudden be rendered motionless." After which people outside Parliament seem to have almost forgotten Boston altogether.

But on May 10 the Duke of Manchester moved in the Lords for General Howe's Instructions. He commented severely on the manner in which the abandonment of Boston was mentioned in the *Gazette*—as indifferently as the march of a regiment from one country town to another. It was an insult to the public—instead of conveying information, it only served to mislead. Was Boston evacuated voluntarily by General Howe, or was he forced by the batteries of the Provincials to make a precipitate retreat? Letters have been received very different from the *Gazette*—it is even said that General Howe had to make a convention with General Washington, to save the troops by abandoning the town! The Earl of Suffolk said that the letters in question contained such a mixture of matter, that it would be highly improper to make them public.[1] The fact was, Howe had been told long ago to get the troops out of Boston as soon as he could—he had done it on the 17th of March, as the *Gazette* mentioned—and quite safely—and as Opposition had always said the possession of Boston was so disgraceful, he wondered they thought it a disgrace to give it up. Weymouth said it was greatly to Howe's credit if the embarkation was, as a noble lord had said, as easy as the removal of a regiment from a country town. Sandwich explained the loss of the brigantine, with the mortar which had been so useful to the rebels—she was parted from her convoy in a storm. He begged that Admiral Shuldam might be remembered for his share in embarking the

[1] See comments in *Gentleman's Magazine* for 1776, p. 232.

troops safely. The House then rejected the motion for Howe's Instructions. In the Commons, Opposition asked for Lord Howe's Instructions. He was to be sent out as one of a Commission of Peace—what was he to offer the rebels? Lord Hillsborough by his letter made us promise to give up taxation. Were we going to keep our word? Lord North said we did not promise—taxation was to be enforced, but whether now or hereafter was a point of policy left to the Commissioners. The motion for Howe's Instructions was lost by 171 to 85, and Hartley's motion, to address the King not to prorogue, was not even divided upon.

NOTE.

"DECLARATION by the REPRESENTATIVES of the UNITED COLONIES of NORTH AMERICA, now met in GENERAL CONGRESS at PHILADELPHIA, setting forth the Causes and Necessity of their taking up *Arms*. (Signed by all the Delegates, July 6, 1775.)

"We for ten years incessantly and ineffectually besieged the Throne as supplicants.

"We have pursued every temperate, every respectful measure; we have even proceeded to break off our commercial intercourse with our fellow-subjects, as the last peaceable admonition, that our attachment to no nation upon earth should supplant our attachment to liberty. . . . Fruitless were all the entreaties, arguments and eloquence of an illustrious band of the most distinguished Peers and Commoners. . . . Equally fruitless was the interference of the City of London, of Bristol, and many other respectable towns, in our favour. . . . We have received certain intelligence that General Carleton, the Governor of Canada, is instigating the people of that province and the Indians to fall upon us. . . . We are reduced to the alternative of chusing an unconditional submission to the tyranny of irritated Ministers, or resistance by force. . . . We have counted the cost of this contest, and find nothing so dreadful as voluntary slavery."

CHAPTER XLVIII

INDEPENDENCE

"When in the course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

"We hold these truths to be self-evident; that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness . . . to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; and, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute a new government. . . .

"We, therefore, the Representatives of the United States of America, in General Congress assembled, appealing to the Supreme JUDGE of the world for the rectitude of our intentions, do, in the name and by the authority of the good people of these Colonies, solemnly publish and declare, that these United Colonies are, and of right ought to be, FREE AND INDEPENDENT STATES, and that they are absolved from all allegiance to the British crown."—The DECLARATION OF INDEPENDENCE.

"He who talks thus either never knew himself, or now wishes to deceive others. He sets up the name of Englishman against the principles of right; he justifies the measures which he had long opposed, and adopts those reasons and that detestable policy, which he had stigmatised as infamous and destructive. . . . If a man will act consistently, he must pursue his principles in all their consequences. . . . *Fiat justitia, ruat cœlum*, is the motto of integrity."—*Observations on the change of Political Opinion in England, on the Declaration of American Independency.* (Almon, 1776, p. 197.)

EARLY in March, 1776, Congress received the "Capture Bill." Their reply was to commission privateers to cruise against ships belonging to Great Britain—but not to Ireland or the West Indies. And on one day in this month it was resolved "that no slaves be imported into any of the thirteen united colonies." It was then hoped, especially in Virginia, that emancipation would soon follow.[1]

[1] Bancroft, iv. 328. "The Virginians could plead, and did plead, that 'their assemblies had repeatedly attempted to prevent the horrid traffic in

And on the 6th of April the Thirteen Colonies threw open their commerce to all the world, "not subject to the king of Great Britain."

It was known that Commissioners were coming from England with offers of some kind. But every day made separation more inevitable. Samuel Adams had said in April, "Is not America already independent? Then why not declare it?" But still Congress hesitated, although they were every day passing Acts which implied that the Colonies were already sovereign States. It was resolved that each colony where no sufficient government was established should adopt such government as the representatives of the people thought most conducive to their happiness and safety. This was the proposal of John Adams. While they were discussing it, he said, "There is no good government, but what is republican; *for a republic is an empire of laws, not of men.*"

Yet it was neither the litigious province of Massachusetts, nor the mixed race of New Yorkers, nor the proud Virginians, that first declared for Independence. It was the wild, unsettled border colony of North Carolina, whose Provincial Congress on the 12th of April, 1776, unanimously desired its delegates to Philadelphia to concur with the other Colonial delegates in declaring Independency. Georgia, the last to join, had even before this ordered her delegates to concur "in all measures calculated for the common good." On the 26th of March, five days after it received the Capture Act, the South Carolina Convention had established a Constitution; and on April 23, the Chief Justice, in opening the Court at Charlestown, charged the Grand Jury thus: "The law of the land authorises me to declare that George III, King of Great Britain, has abdicated the government, he has no authority over us, and we owe no obedience to him." The new Government at once began to fortify Charlestown, ready to resist the fleet and army coming with Clinton and Cornwallis; and General Lee was on his way to take command of the Continental Army in the South. On May 6 the Burgesses of Virginia dissolved their House, "as the ancient institution had been subverted by the King and Parliament of Great Britain." The same day the Convention of Virginia met, and on the 15th a resolution was adopted to instruct delegates to the General Congress to declare the United Colonies "Free and Independent States." The bells were rung, cannon were fired, and the British flag was pulled down from Williamsburg State House.

slaves, and had been frustrated by the cruelty and covetousness of English merchants, who prevailed on the king to repeal their merciful acts.'"

Then George Mason prepared a Declaration of Rights. One clause enjoined the fullest religious toleration. But young James Madison, a Presbyterian (Mason was "a devoted member of the Church of England") said toleration was not the word—it endured Dissent as a condescension—it must be "the free exercise of religion"; and the amendment passed.

Washington himself was now convinced that "nothing but independence will save us." Maryland shrank from the final resolve, but she had driven out her last Royal Governor and set up a Convention. A town-meeting of 4000 men, in the yard of the State House at Philadelphia, appealed from the Provincial Assembly to the General Congress, and refused oaths of allegiance to the Crown. All the forces were converging towards Independence. On June 13 a Board of War was appointed, with John Adams at its head—Washington had long been entreating for such a Board. On the 24th Congress resolved that it was treason to give aid and comfort to the King of Great Britain.

Colony after colony sent in its adherence to "independency," and its conviction that there could be no abiding union without it. New York had the most to lose by war, and the strongest body of loyalists; so to make sure what was the general trend of opinion, the electors of the colony were called on to confer full powers on their deputies. Committees had long been at work preparing a Declaration of Independence, but it was not till the 1st of July that Congress formally considered it. There were about fifty members present. It has been remarked, as a proof of their calm and temperate characters, that a very large number of them survived to great ages.[1] Every colony was represented, and the delegates of all but one had received full powers.

Before the great business began a letter from Washington was read. He returned his whole number at 7754—nearly 1400 had bad firelocks, 800 had none at all, more than half had no bayonets. Only 1000 of the militia called for had joined. With this force he was to defend New York against 30,000 veteran troops. A letter from Lee informed Congress that Clinton, with fifty-three ships, had arrived before Charlestown.

Of the great speech of John Adams this day no record is preserved. It is only remembered that in passionate words he set forth the necessity of separation, the King's refusal to receive their petitions, and his turning German troops upon them.

Dickinson was for waiting—at least till they had gained a battle.

[1] Sabine.

There was no precedent for a people, before they had fought, breaking their connection with a warlike empire.

During the debate of this day another letter came from Washington—Lord Howe with forty-five ships had arrived off Sandy Hook.

Next day Twelve Colonies voted "That these united colonies are, and of right ought to be, free and independent states, and are absolved from all allegiance to the British Crown."

Thomas Jefferson was chosen to draft the Declaration. It was signed on the evening of the 4th of July, by the Twelve States, New York still abstaining.[1] In the long list of indictments against the King, which this document contained, was one which reproached him with keeping up the slave trade. "He has waged cruel war against human nature itself. . . . Determined to keep open a market where men should be bought and sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce . . . and he is now exciting those very people to rise in arms among us, and to purchase that liberty of which he has deprived them, by murdering the people on whom he also obtruded them . . . thus paying off the crimes against the liberties of one people with crimes against the lives of another."

But the Colonies had not always been blameless as to that commerce, and "some southern gentlemen . . . were not yet matured to the full abhorrence of that traffic"; and so the clause was struck out.

On the 8th the Declaration was read at the State House to the battalions of volunteers and the inhabitants. Then the emblems of royalty were burnt amid the acclamations of the crowd.[2]

On the 9th it was read at the head of each brigade of the Continental Army.[3]

[1] New York could not vote till her delegates had received their powers.

[2] The Declaration was signed on August 2, and then New York signed with the rest.

[3] "All who called themselves Whigs were not necessarily and on that account disinterested and virtuous . . . and the Tories were not, to a man, selfish and violent. . . . Virtuous men, whatever their errors and mistakes, are to be respected; and with regard to others, it is well to remember the beautiful sentiment of Goldsmith, that 'we should never strike an unnecessary blow at a victim over whom Providence holds the scourge of its resentment.' . . . I may be permitted to say, in conclusion . . . that, of all men of whom I have obtained any knowledge, the Whigs of the American Revolution have impressed me with the greatest respect and reverence, both on account of their personal virtues, and the objects which they sought to accomplish for themselves, their posterity, and mankind."—Sabine, *The American Loyalists*.

The *Pennsylvania Journal* had a "Memento to the Americans." "Remember" the Stamp Act, the Declaratory Act, the promise made by Lord Hillsborough never to tax you again; "remember" how they made you pay treble duties if you traded with the countries you "helped them to conquer"; "remember" their old restrictions on your woollen manufactures, your hat-making, your iron and steel forges and furnaces; "remember the long, habitual, base venality of British Parliaments"; "remember" the rejection of all your numerous humble petitions, and the contempt with which they spoke of you in both Houses; the treatment of Franklin and Temple, the rejecting of Chatham's, Hartley's, and Burke's plans of conciliation, the broken Charters, the hiring of foreign troops and savages, the bribing negro slaves to murder you; lastly, remember that an honourable death is better than an ignominious life.

CHAPTER XLIX

THE BATTLE OF LONG ISLAND

"The unprincipled, and unfeeling and unnatural inhabitants of Staten Island are cordially receiving the enemy."—*John Adams to his Wife*, Philadelphia, July 11, 1776.

"Upon the whole, it did not appear to your Committee, that his Lordship's commission contained any other authority of importance than what is expressed in the Act of Parliament, viz., that of granting pardons with such exceptions as the commissioners shall think proper to make, and of declaring America, or any part of it, to be in the King's peace, upon submission.

"We gave it as our opinion to his Lordship, that a return to the domination of Great Britain was not now to be expected. We mentioned the repeated humble petitions of the colonies to the King and Parliament, which had been treated with contempt, and answered only by additional injuries . . . and that it was not until the last Act of Parliament which denounced war against us, and put us out of the King's protection, that we declared our independence . . . that all (the colonies) now considered themselves as independent states, and were settling or had settled their governments accordingly, and that it was not now in the power of Congress to agree for them that they should return to their former dependent state."—*Report of the Committee appointed by Congress to wait upon Lord Howe*, Sept. 6, 1776.

It was no longer the Thirteen rebellious Colonies, but the Thirteen United States, with whom Great Britain had now to deal. It seemed at first that the reckoning would be short.

As soon as Washington found that General Howe was not going to New York, he had sent five more regiments there—on which the British men-of-war had dropped down the bay. It was an extraordinary situation—a Royal Governor skulking on board a man-of-war and issuing proclamations against the rebels on shore. It was admitted that the New England soldiers behaved well in New York. "I do believe there are very few instances of so great a number of men together, with so little mischief done by them," writes someone in the city. "They have all the simplicity of ploughmen in their manners, and seem quite strangers to the vices of older soldiers."

Washington did not come to New York till April. Then he gave the command at Brooklyn to Nathaniel Greene of Connecticut

—one of the best officers the Americans ever had. Washington had no more than 10,000 men distributed in New York city, Long and Staten Islands, and on the Jersey shore; and of these only about 8000 fit for duty. And the Provincial forces in Canada were in crying need of reinforcements, and Congress was asking Washington if he could not spare some. A few days after this the news came that the King was sending out Hessians and Hanoverians, and Congress ordered Washington to come and confer with it. He told it plainly that no accommodation was possible—for the news of Lord Howe's Commission had also come—Ministers were resolved to have complete submission, and the bringing over of these troops proved it. A protracted war was inevitable, and to carry it on there must be longer terms of enlistment. So at last Congress (always haunted by the memory of Cromwell) permitted three years' engagements; gondolas and fire-rafts were to be made, and a Flying Camp of 10,000 militia was to be furnished by Pennsylvania. There is something pathetic in the way in which these essentially civilian legislators advance tremblingly step by step to face the grim necessities of war. Their *forte* was constitutional resistance, remonstrances and declarations —these they drew up admirably, but they failed miserably when they meddled with arms.

On Washington's return to New York, a terrible discovery was made—nothing less than a loyalist plot to seize, perhaps murder him, and to take possession of the city for Howe, now hourly expected. Two or three of Washington's own bodyguard were in this plot. It is certain that if it had succeeded Washington and his principal officers would have been delivered up to the British, and it is almost certain that, in that case, they would have been hanged. The plot was traced up through "several publicans of the city," to David Mathews the Mayor, and from him to Governor Tryon, who was still issuing his proclamations about "doors of mercy" for the penitent, and "rods" for the disobedient.[1] The wonder is that it did not succeed. Only one man was hanged for this attempt to betray the defenders of a people's liberties—one Hickey, a trooper in the bodyguard. The rest were handed over to the civil power. The fact is, the old Government of New York was a "feudal aristocracy," rather than a pure democracy like that of Massachusetts.

[1] It is even said that Washington's housekeeper was in the plot. A woman warned Washington, who told a few friends. A watch was kept night and day, until one night forty Tories were seized, and put in the City Hall—among them the Mayor, who admitted that attempts had been made to corrupt Washington's guard.

"The soil was held by a few. The masses were mere retainers or tenants, as in the monarchies of Europe." Such a system does not produce men like those of Massachusetts, Rhode Island, and Connecticut.

This happened in the last ten days of June. On the 29th the look-out on Staten Island reported forty sail in sight. It was the fleet from Halifax, with General Howe and nine or ten thousand of the troops withdrawn from Boston in March, and six transports full of Highlanders, which had joined Howe at sea.

It had been discovered that the late conspiracy extended up to Hudson, and it was thought at first that the British would go up that river. But Howe anchored off Staten Island, and soon the hills were white with his tents. Washington perceived that his aim was New York. He wrote to Congress for the Massachusetts contingent, and issued a general order to his troops to prepare for the great struggle now imminent—with a word of advice to cowards to go home and stay there.

On July 9 the New York Convention met at White Plains, when the Declaration of Independence was read with beat of drum. That evening a New York mob pulled down the King's leaden statue on the Bowling Green.

On July 12 Lord Howe arrived at Staten Island. He was reported to have said that peace would be made ten days after he came—his honest sailor's mind did not yet realise the futile nature of his "powers." They allowed him to grant pardons to persons and communities, on their laying down their arms, and dissolving their new governments, and returning to their allegiance. They also permitted him to talk matters over with "private persons." But he could make no promises of redress, nor must he recognise Congress nor any of its officers. It was unconditional submission, with the certainty of more and not less interference by Parliament hereafter.

He opened negotiations by writing a letter to "George Washington, Esquire," and sending it in with a flag. Colonel Reed, the American Adjutant-General, told the lieutenant who brought it that it could not be received with that address. The lieutenant was much distressed at this, and explained that the letter was more of a civil than a military nature—Lord Howe wished he had come sooner—he had great powers—it was a great pity the letter could not be received. Reed politely repeated that his duty did not allow him to receive it. The lieutenant sorrowfully departed—putting back to ask how General—*Mr.*—Washington would choose to be addressed. Reed replied that the General's station in the army

was well known — this matter had already been discussed last summer.

On the 19th more ceremony was observed. An aide-de-camp came to ask whether Colonel Paterson, the British Adjutant-General, could be admitted to an interview with—General—Washington. Paterson came, and was politely received. He returned the civility by addressing Washington as "your Excellency," produced a letter addressed "George Washington, Esquire, etc., etc.," and expressed a hope that the "etceteras, which implied everything," would make things all right. Washington replied that the etceteras implied everything—or anything. He had had such a letter the previous summer. A letter to a person acting in a public character must have an inscription to show it is not a mere private letter. Paterson was obliged to evade the difficulty by giving "his Excellency" a verbal account of the contents. It appeared that Paterson's ostensible errand was to reply to a letter written by Congress to General Howe, on the affair of the Cedars — where American prisoners who had capitulated had been murdered in cold blood—one of them, it was alleged, roasted while half-alive—by the Indian allies of his Majesty. Only after this had been discussed, and Paterson had assured his Excellency that cruelty was not the British characteristic, and had given Howe's pledge that the laws of war should be observed, did he come to the peace proposals. Paterson said Lord Howe and his brother had been chosen as a mark of favour to America—they had great powers, and most sincerely wished to effect an accommodation. Washington replied that, judging from the circular just issued by Lord Howe, the powers seemed no more than a granting of pardons. Those who had committed no fault required no pardon. Paterson said this opened a very wide field, and so the interview ended. His Excellency pressed the Colonel to partake of "a small collation" which had been provided, but Paterson declined, as he had made a late breakfast. And he very handsomely acknowledged the courtesy shown him in not blindfolding him as usual.

While Lord Howe was waiting to forgive the Americans, two British cruisers had gone up the Hudson, and anchored at Tarrytown, and the New York Convention was calling out the militia and yeomanry to guard the entrance to the Highlands. And two days after, Washington heard from Lee that Sir Henry Clinton had been repulsed with loss at Charlestown, and that the British fleet had put to sea. It was the last good news for many a long day.

Finding that Lord Howe could not treat with Congress, Congress ordered Washington to defend New York.

It was a great mistake, and it cost them dear. The situation of the city between two islands rendered it tenable only by a superior force. Washington had but 10,000 men, none of whom had seen more than a year's service. The 7000 hastily-raised militia,[1] fresh from the plough, were badly armed, and so deplorably undisciplined that a silly squabble between the Marylanders and the Connecticut light-horse, ended in the Horse going off in a huff, and leaving Washington without videttes. His artillery was mostly "old and honey-combed." He had to distribute his forces over posts divided by water, and sometimes fifteen miles apart. He wanted doctors, medicines, hospitals, tents. His men were sleeping in the open, exposed to the heavy dews, and a fourth of his army was sick. At the beginning of August he had only 10,500 fit for duty.

On the 1st Sir Peter Parker's squadron arrived in the bay from the South, with Sir Henry Clinton, Lord Cornwallis, and 3000 troops on board. The Admiral had picked up three fugitive Governors on his way—Martin and Lord William Campbell, of North and South Carolina, and Dunmore of Virginia—and now Tryon of New York joined his colleagues.

Washington sent for 2000 men from the Flying Camp at Paulus Hook[2]—commanded by Brigadier-General Mercer, once surgeon to Prince Charlie, and afterwards with Braddock at the Monongahela. On the 12th, 2500 fresh British troops and 8500 Hessians arrived. But Congress would not hear of retreat—its one military idea was never to give up a foot of territory.

So desperate seemed the prospect, that John Jay was for laying Long Island waste, burning New York city, and retiring into the Highlands.

Brooklyn is immediately opposite New York—the East River, three quarters of a mile wide, lies between. The village was on a kind of peninsula, formed by the inlets of Wallabout Bay and Gowanus Creek. Two miles and a half farther away the wooded range of the Bedford Hills stretches across Long Island. Three roads crossed this range—the road to Bedford, to Jamaica, and to Flatbush. Lines of entrenchment had been drawn across the peninsula of Brooklyn; but Greene, who had planned these defences, fell ill of a fever at the last moment, and Washington had to give his command to Putnam, who knew nothing about them—especially did not understand the importance of the Bedford Hills,

[1] "The men turn out of their harvest fields to defend their country with surprising alacrity . . . their harvests are perishing for want of the sickle."—*Letter of General George Clinton to Washington*, July 14, 1776.

[2] On the Jersey shore.

which were held by Lord Stirling[1] with the Marylanders and Delawares.

On the 21st Washington received information that the British were crossing from Staten to Long Island—20,000 men had embarked. Next morning cannon was heard—Howe was marching towards Flatbush, and the farmers were flocking in, wearing badges of loyalty, "eager to show him the roads."

Washington was in a cruel dilemma—if he did not send reinforcements, the lines of Brooklyn must be forced, and then New York was lost; if he did send them, he left New York defenceless against Sir Peter Parker and the fleet. On the 24th he crossed over to Brooklyn. There were skirmishes that day and the next, and the Americans gained some slight advantages. The foes were sometimes so near that on one of these days the Americans saw with their glasses the Hessians slay and devour an escaped horse.[2]

On the night of Monday, the 26th, Howe formed his army in three divisions—he had now more than 24,000 men—to march on Brooklyn by the three roads. Clinton, with the vanguard, was to go by Jamaica to Bedford, and seize the pass in the hills—so turning the American left. Grant (the same who once told the House of Commons that all Americans were cowards) was to take them on the right. The Hessians, under their own General de Heister, were to attack the centre, as soon as they heard Clinton's guns. Howe himself went with Clinton's column, with Percy leading the grenadiers, and Cornwallis bringing up the rear with the heavy artillery. A Long Island Tory showed them the way through the pass in the Bedford Hills—"a route we never dreamed of," said one of Stirling's men, who almost ran into their arms before he saw who they were. Stirling had been attacked at sunrise, and had fought on till about 8 o'clock, when he suddenly found himself surrounded by Howe's column. He formed on the side of the hill, and held out till Cornwallis came up—then he retreated in good

[1] William Alexander was descended from a member of the Stirling family, who settled in America. He came to England, and claimed the earldom. An Edinburgh Jury decided in his favour, and he was proclaimed Earl of Stirling at the Market Cross, but a Committee of the House of Lords set the judgment aside. In person Lord Stirling was considered very like the Marquess of Granby—a likeness which helped to recommend him to the Americans.

[2] "The Jacobites used to complain that a species of rat never before seen in England came over with the Hanoverian dynasty. In like manner the American loyalists speak of a new fly that first made its appearance on the introduction of German troops into their country."—Albemarle, *Life of Rockingham*, ii. 330.

order towards the Creek. Washington saw that his flank was turned—but Parker with five ships of the line was trying to fetch up to the city. The wind shifted—New York was safe for the moment—Washington crossed to Long Island, to find Sullivan in the redoubt caught between the British and Hessians. Nearer Gowanus Bay, Stirling with half the Maryland regiment was holding Cornwallis in check, while the rest and the Delawares waded the ford. All but nine of these gallant defenders were taken or slain. Stirling gave up his sword to General Heister. Washington, who saw it all from the lines of Brooklyn, wrung his hands, crying, "My God! what brave men must I lose this day!"

All that stormy night, and next day, Washington rode round his lines and considered his position. All Long Island, except those lines, was in the possession of the British. He was surrounded by an army double his number, and supported by a fleet. He had lost 1000 of his best men;[1] the rest were worn out with two battles, and forty-eight hours' watching, were ill-fed, and many were sick. Two days and nights of rain had spoiled much ammunition. At any moment the wind might change, and the British Fleet run up and cut off his retreat. He did not even confide his intention to his General officers. With the utmost secrecy he made his preparations. He ordered down from King's Bridge every kind of water-craft, with either sails or oars—all to be in the East River by dark. It was evening before he held his Council of War, at Philip Livingston's house on Brooklyn Heights. He laid the situation before them. Orders were issued to prepare to attack the enemy. The embarkation began at eight o'clock.[2] The rawest troops went first. Washington, at the ferry, watched every man embark. When the tide turned at nine, the rain came down, and a chill north-easter beat them back. For three hours the sailing boats could make no headway. By an aide-de-camp's blunder Mifflin's Pennsylvanians moved too soon—he came down with his covering party, leaving his lines empty for three-quarters of an hour. Thanks to the thick fog, which came on as the wind fell, he got back unperceived. In the stillness of the night a cannon went off in the American camp—no one ever knew how. Regiment after regiment withdrew silently from its station, and moved silently towards the water. The wind dropped so completely that the boats could be loaded to the gun-

[1] Three-fourths of these were prisoners. Stirling was immediately exchanged, and Sullivan released on parole. The British lost 5 officers killed and 56 wounded, and about 260 rank and file were wounded.

[2] The retreating Americans could hear the British busy "with pickaxe and shovel."

wales; and the fog, so thick over Long Island, left the New York side clear. The last to go were the Pennsylvanians, the Marylanders, and the Delawares. Last of all Washington stepped into the last boat.

By daybreak they were all safe in New York—troops, artillery, stores, cattle, horses, and carts. But the situation was desperate. The troops, dispirited by the defeat of the 27th, were full of "apprehension and despair." Great numbers of them went off—some by whole companies, some by whole regiments. Washington was compelled to admit to Congress his "want of confidence in the generality of my troops. With such troops, it is impossible to hold New York." And if we go, shall we burn the town, that it may not be winter quarters for the enemy? There were strange rumours in the British camp of affrays between New Englanders and New Yorkers on this question. On September 2 a ship-of-war got up to Turtle Bay—others followed, and Washington saw that he must go at once. In a few days the militia had dwindled from six to two thousand. "The impulse for going home was so irresistible, that it answered no purpose to oppose it." Washington understood and forgave, and prepared to evacuate the town.

Meanwhile Lord Howe, who did in truth most earnestly wish for a pacification, made another attempt, and sent Sullivan on parole to Congress. He offered to compromise—he would treat with a few members of Congress, and when the accommodation was agreed on would acknowledge the authority of Congress to make the compact. After much debate Congress agreed to send a Committee to hear what terms he had to offer. Franklin, John Adams, and Edward Rutledge of South Carolina, conferred with the Admiral on September 11, at a house on Staten Island. When they reached Amboy, they found an English officer in the boat sent for them, with an intimation that he might be retained as a hostage for their return. After a moment's conference the Commissioners desired the officer to return with them. Lord Howe came down to the water's edge to meet them, and seeing the officer, said, "Gentlemen, you make me a very high compliment, and you may depend upon it I will consider it as the most sacred of things." So they walked to the house between files of grenadiers. Howe still said he could treat with them only "as private gentlemen of influence in the colonies." They replied that as their business was only to hear, this did not matter. Lord Howe's earnest desire to make peace was visible enough, but there was little to hear—there were really no terms. Howe could make no promises, except on condition that the Colonies returned to their old allegiance. They said this could no longer be expected—all their humble

petitions had been thrown aside with contempt, fresh injuries had been heaped upon them, war had been declared against them.[1] It was not in the power of Congress to promise that the Colonies should return to their former dependent state. The tears came into the stern eyes of "Black Dick" (who never smiled but before a sea-fight) when his old friend Dr. Franklin made him understand that it was now too late. The terms went no farther than the granting of pardons—and even this with such exceptions as the Peace Commission might choose to make, and, with some exceptions, which it must make. John Adams was one. It was, in fact, "unconditional submission."

Meanwhile the situation in New York was becoming more critical every hour. More ships were coming up the East River, and a shot from one of them struck within six feet of Washington as he rode into the fort. At sunset of the 14th of September it seemed as though the British were about to land at Harlem—if they did, Washington's army would be enclosed. Next morning the bombardment began on the breastworks between Turtle Island and the city; and Sir Henry Clinton with Donop and the Hessians were landing at Kip's Bay. The Massachusetts Militia stationed there fled, and the Connecticut men followed their example. It was a panic. Washington galloped up, trying in vain to stop them. It was one of the rare occasions on which he lost his self-control. He rushed forward, dashed his hat on the ground, and cried, "Are these the men with whom I am to defend America?" He snapped his pistols at some, threatened others with his sword. He would have been taken—the British were by this time not eighty yards off—but an aide-de-camp seized his bridle and forced him away. He was soon himself again, and while the British and Hessians rested on their arms, Putnam retreated along the Bloomingdale Road—"a forced march, on a sultry day, under a burning sun, and amid clouds of dust, his army encumbered with women, children, and all kinds of baggage. Yet all the loss was about 15 killed, and 300 prisoners."[2]

[1] "Long did I endeavor, with unfeigned and unwearied zeal, to preserve from breaking that fine and noble china vase, the British empire."—*Franklin to Lord Howe*, Philadelphia, July 20, 1776.

[2] It was said that Mrs. Lindley Murray, the wife of Murray of the *Grammar*, saved Putnam's division. The British generals passed her house and halted for refreshment. Mrs. Murray set cake and wine before them, and they lingered, talking and jesting and laughing, and bantering their hostess on the discomfiture of her countrymen. Meanwhile Putnam in his retreat passed within a mile of the house. The Murrays, though members of the Society of Friends, were "patriots."

New York was evacuated on the 14th of September. On the 16th Connecticut retrieved her character in the fierce skirmish near Manhattanville, in which Knowlton fell. It was at the beginning of this action that Leslie's men, full of contempt for their enemy, sounded the view-halloo as in a fox-chase. But the rebels did not run this time. General Howe never owned his full loss on this occasion.

On the night of the 20th Washington's army saw a great light in the direction of New York. It was a fire—there was a strong wind blowing, and that night four hundred houses were destroyed. Several persons said to have been detected in firing houses were killed on the spot by the enraged British troops.[1] The Americans always denied all knowledge of this fire—Congress had expressly forbidden the burning of the city.

Washington fortified himself in a camp on the long and narrow neck of land which forms the northern end of Manhattan or New York Island. It is a chain of rocky heights, a long, craggy ridge between the Hudson and the Harlem. On the crest of one of these—the highest, overlooking the Hudson—was Fort Washington. Two miles to the north was King's Bridge, the only pass from Manhattan to the mainland. A mile and a half south of the fort a double line of fortification extended across the neck to Harlem River. Alexander Hamilton, a young captain of artillery, a West-Indian by birth, scarcely out of his boyhood, had superintended the construction of these works. It was a strong position, and it kept Washington's communications open with Connecticut. Howe determined that he must be dislodged.

Washington, meanwhile, was imploring Congress to put the army on a permanent footing—these short enlistments were fatal. On the 16th of September Congress made an order for eighty-eight battalions to be enlisted for three years or till the end of the war—to be furnished by each State in proportion to its ability. The men who enlisted for the whole war to receive 100 acres of land—all to have a bounty of 20 dollars, and a yearly suit of clothes. Then Congress thought it had created an army.

It was time something was done. The loyalists were enlisting wholesale—already there were 1500 of them in arms. Oliver de Lancey was raising a brigade at Jamaica—to receive British pay.[2] All Long Island had submitted. In the Jerseys Tory enlistments were brisk; and many of the loyalists were highly respectable persons, who conscientiously believed that the true interests of

[1] Probably only one man—a violent loyalist, who had taken to drink.

[2] Sabine's *American Loyalists*.

their countrymen lay in maintaining the British connection. Others were like Robert Rodgers—called "Rodgers the Renegade." His career gives us a glimpse of old Colonial history. He was a good soldier in the French Wars; later, was suspected of a plot to plunder his own fort,[1] and join the French. When the Revolutionary War began, he acted as spy for Carleton in Canada. Washington had had him arrested, but he had managed to persuade Congress that he was on his way to offer it his secret services. He was released on giving a written promise, "on the honour of a gentleman," not to bear arms against the United Colonies. He was hardly liberated when he offered his services to the British, received a colonel's commission, and raised a Tory corps of light-horse, the famous Queen's Rangers. They were promised confiscated lands, and privileges equal to those of the regular army.

[1] Michilimackinac.

NOTE.

The eighty-eight battalions—

New Hampshire	3	battalions
Massachusetts Bay	15	,,
Rhode Island	2	,,
Connecticut	8	,,
New York	4	,,
New Jersey	4	,,
Pennsylvania	12	,,
Delaware	1	,,
Maryland	8	,,
Virginia	15	,,
North Carolina	9	,,
South Carolina	6	,,
Georgia	1	,,
	88	battalions

(Sept. 16, 1776)

The list of Ships and Vessels taken by American Privateers, is given in Almon as 342 taken, 44 retaken, 18 released, 5 burnt.

The whole number of regulars enlisted for the Continental Army from beginning to end was 231,950, from all colonies. Of these 67,907 were from Massachusetts. All the States south of Pennsylvania, taken together, provided only 59,493—more than 8000 fewer than the single State of Massachusetts. New England equipped and maintained above half of the whole number placed at the disposal of Congress throughout the war. When the Middle and South States became the seat of war, their men had to be kept at home to defend themselves.

[1] TABLE OF THE NUMBER OF TROOPS.

(From the Report of General KNOX, Secretary of War, to Congress, 1790.)

States.	Quotas fixed by Congress.	Troops Furnished. Continentals.	Militia.
New Hampshire	10,194	12,496	2,093
Massachusetts	52,698	67,907	15,145
Rhode Island	5,694	5,908	4,284
Connecticut	28,336	32,039	7,238
New York	15,734	17,781	3,866
New Jersey	11,396	10,727	6,055
Pennsylvania	40,416	25,608	7,357
Delaware	3,974	2,387	376
Maryland	26,608	13,832	3,929
Virginia	48,522	26,672	4,429
North Carolina	23,994	7,263	3,975
South Carolina	16,932	6,660	none
Georgia	3,974	2,679	none
	288,472	231,959	58,747

[1] These details and the Table are given in Sabine's *American Loyalists.*

CHAPTER L

THE FALL OF FORT WASHINGTON AND THE RETREAT THROUGH THE JERSEYS

"The Switzers fought 60 battles in defending their liberties, and finally drove all the murdering tyrants out of their country."—*To the Independent Sons in Massachusetts State*, Boston, Nov. 14, 1776.

"This retreat was censured by some as pusillanimous and disgraceful; but, did they know that our army was at one time less than a thousand effective men, and never more than 4000—that the number of the enemy was at least 8000, exclusive of their artillery and light horse—that this handful of Americans retreated *slowly* above 80 miles without losing a dozen men—and that suffering themselves to be forced to an action would have been their entire destruction—did they know this, they would never have censured it at all—they would have called it prudent—posterity will call it glorious—and the names of Washington and Fabius will run parallel to eternity."—Thomas Paine, *Journal of the American Army*. Published in the *Pennsylvania Journal*. (Given in Almon, 1777, p. 28.)

For nearly a month Washington maintained himself on Harlem Heights. Howe speaks of the "incredible labour" with which the Americans fortified themselves here. He resolved to get upon their principal line of communication to the north—towards Connecticut. In accordance with reiterated orders from Congress, great efforts had been made to block the Hudson near this spot, but on October 11, the *Roebuck*, *Phœnix* and *Tartar*, men-of-war, easily broke through all the obstructions, and got up to Tarrytown. Washington saw at once that his position was no longer tenable, and prepared to retire. Next day Howe embarked Donop's brigade of Hessians, the guards, and the light infantry, passed through Hell Gate in a very thick fog, and landed on the mainland at Throg's Neck, near West Chester. The same day General Lee arrived in Washington's camp—flushed with his success at Charlestown,[1] and more sure than ever that he ought to command the Provincial armies. In matters political he was not so bold—he had come by way of Philadelphia, and there had recommended

[1] Colonel Moultrie must, however, have the greater part of the honour of repulsing the British at Charlestown.

Congress to listen to Lord Howe's "offers." He was eagerly welcomed in camp—these untried levies, dispirited by defeat, had an unmeasured belief in Lee's military genius. Lee agreed with them, and soon began to find fault with everything, particularly with Washington's obedience to Congress—he was always taking the Commander-in-Chief to task for not threatening to resign as often as he did not approve of its instructions.

The British at Throg's Neck were reinforced by the second brigade of Hessians, and Washington broke up his camp. Before he did so he formed his army into four divisions, under Lee, Sullivan, Heath, and Lincoln—these divisions were to hold a chain of fortified posts along a ridge of hills, on the west side of the Bronx River, from King's Bridge to White Plains.

Now began three months of retreat and skirmish, skirmish and retreat, all on the east side of the Hudson—the fighting done for the most part "with spade and mattock." At White Plains, on the 28th of October, there was a sharp engagement between Washington's right flank—posted on Chatterton's Hill—and Rahl's brigade of Hessians. The action was stubborn, although some of the militia broke and ran from the British cavalry (which seems to have been much dreaded at the beginning of the war). After it the armies lay looking at each other, "at long cannon-shot." Howe intended to renew the attack next morning; but in the night Washington so strengthened his already strong position—entrenching himself behind "maize-stalks and clods of earth"—that Howe sent for Lord Percy from Harlem before attempting to storm.

It was while the armies lay thus that a British officer wrote to his friend in London: "The rebel army are in so wretched a condition as to clothing and accoutrements, that I believe no nation ever saw such a set of tatterdemalions. There are few coats among them but what are out at elbow, and in a whole regiment there is scarce a pair of breeches. Judge, then, how they must be pinched by a winter's campaign. We, who are warmly clothed and well-equipped, already feel it severely; for it is even now much colder than I ever felt it in England."

Before Howe could make up his mind to storm, Washington had moved his whole position to one five miles off, in the high rocky hills by Northcastle. On this position Howe had actually ordered an assault when a heavy rain came on. At last, on November 4, the British camp was seen to be breaking up, and in three days their whole force had disappeared. Whither? Washington thought their aim was Fort Washington, and after that

the Jerseys—and Philadelphia. And presently he heard that they were investing Fort Washington.

He would have withdrawn the garrison as soon as it was proved that the British could get up the Hudson, but Congress wished it to be held, and Greene believed it to be impregnable, and urged that it would keep a considerable body of British employed in investing it. A "grudging discretion" had been given to Washington, but he hesitated to avail himself of it—for he feared a feint to cover an advance on the Delaware; and accordingly, on the 7th, he heard that the British were about to enter Jersey, and at once began to move his army. He left Lee at Northcastle, with one division; Heath, with another, was to guard the posts on both sides of Hudson.

Washington crossed the river on the 12th of November. His anxiety for Fort Washington was intense. Scarcely had he reached Hackensack when he heard that Howe was pressing the siege. He instantly returned to Peekskill. It was still possible to communicate with the garrison—they might have been withdrawn at this eleventh hour; but they, with Greene and Putnam, were confident of making a good defence. They did not know that Captain William Demont, who lately deserted from the fort to the British, had given Howe the plans of the fort and its approaches.

The assault was made next morning (November 16) from four sides at once, by Percy and Cornwallis, Rahl and Knyphausen. Washington, from the opposite side of Hudson, could hear the cannonade, and see the smoke ascending from the trees. With a telescope he could even see Cadwallader and the Pennsylvanians taken in flank by Rahl, cut down and bayoneted. It is said that he wept like a child. Even then he sent a message to tell the Commandant that if he could but hold out till nightfall he would try to bring him off. The messenger got in—but it was too late—the British were already in the redoubts. Washington saw the American flag go down, and the British hoisted in its stead. Two thousand seven hundred Americans were prisoners of war.[1]

It was a terrible blow; and it happened just before the enlistments expired. Washington wrote to his brother: "This post, after the last ships went by, was held contrary to my wishes and opinion. . . . In ten days from this date, there will not be above two thousand men, if that number, of the fixed established regiments on this side of Hudson River, to oppose Howe's whole army. . . . I solemnly protest that a pecuniary reward of twenty

[1] This is the number given by Sir W. Howe, "including officers."

thousand pounds a year would not induce me to undergo what I do, and after all, perhaps to lose my character."

Now came the retreat through the Jerseys; Washington, with a dispirited and ever-diminishing army, pursued by Cornwallis with 5000 men—two battalions of Hessians, a company of "yagers," and the eight battalions of the reserve. His chance was in delay. Until he was reinforced he could not fight. He had now but 3000 men, and the time of many of these would expire on the 30th of November. Already on the 17th he had sent orders to Lee to join him at once. Lee sent word that his men had no shoes, that he had no boats for crossing at Dobbs' Ferry, and to go round by King's would be to arrive too late. Finally, that he had heard that Rodgers the Ranger was near, with his Rangers, and wanted to catch them. This though an order had come for him to move at once, as Philadelphia was in danger. Order after order came, but he did not stir. Washington sent to Congress for reinforcements—but he dared not tell them how weak his army was, and why he did not fight. Again he wrote to Lee. And now Lee had no carriages, and his men had no stockings (Washington's men had none either), and there was still Rodgers to be caught, but he had ordered Heath to detach 2000 men. (This was contrary to Washington's express orders, and might endanger the posts on the Hudson, and Heath declined to obey.) Washington replied that it was not Heath he wanted, but Lee—Heath must remain; and he implored Lee to come by a safe route—he had heard the enemy meant to intercept him. Delay might mean the loss of Philadelphia. Lee replied that he did not believe there were as many Tories in West Chester County as Washington supposed—he himself had been clearing it of them. Nor did he think Philadelphia was threatened.

There was a strong party which for various reasons wished to see Lee in Washington's place. There were also many simple persons who took Lee at his own valuation, and did not consider how much of the success at Charlestown was really due to Colonel Moultrie. Lee's slashing criticisms and boasts of what he would do impressed them more than Washington's quiet steadfastness, and Lee spared no pains to keep up this impression. He had long been writing to Bowdoin in Boston, to Gates in Canada, even to Joseph Reed, the Adjutant-General, Washington's trusted friend and secretary, about the dreadful consequences of "an undecided mind," as shown by "the cursed job of Fort Washington." To Bowdoin he wrote that the eastern and western armies ought to stand each on its own bottom, and that the orders of Congress should not be

"too nicely" weighed at so important a crisis. "We must save the community in spite of the ordinances of the legislature. There are times when we must commit treason against the State for the salvation of the State. The present crisis demands this brave, this virtuous kind of treason."

On the 28th of November Washington marched out of Newark at one end, as Cornwallis' vanguard marched in at the other. He hoped to make a stand at New Brunswick, and he sent Mifflin to Congress, and Reed to the Jersey legislature, for help. But the legislature was shifting—not to say fleeing—from place to place, and on the eve of dissolution. On the 30th the enlistments fell in; the Marylanders and New Jersey men went home, and the Pennsylvanians deserted in such numbers that sentinels were posted at the ferries to stop them. The same day Howe issued his Proclamation, offering a free pardon to all who should come in within sixty days.

At once many hastened to make their peace. New Jersey was unused to war—there, the Indian did not trouble, and the loyalists were strong. Two thousand seven hundred and three Jerseymen, 851 Rhode Islanders, and 1282 New Yorkers subscribed a Declaration of Loyalty, and were worrying Lord Howe to let them fit out privateers. But that honest sea-dog did not encourage them—he was disgusted at their readiness to set off to kill their old neighbours. Besides these, there were many sober respectable men who looked on the war as rebellion, and many more who looked on it as insanity.

Still Washington did not despair. He had been promised a reinforcement from Schuyler's northern army—and there was Lee. It would be a great thing to prevent the British from advancing on Philadelphia before spring. In such a war as this delay was everything. As Cornwallis approached, Washington ordered the Provincial Governor of New Jersey to remove to the western bank all boats and river-craft of every kind, for seventy miles up and down the Delaware.

It was at New Brunswick that he received a new blow—worse than those the British dealt him. As was the rule in Reed's absence, he opened the despatches. There was one from Lee to the Secretary. It began: "I received your most obliging, flattering letter; lament with you that fatal indecision of mind, which in war is a much greater disqualification than stupidity, or even want of personal courage." Lee added that the General's "pressing orders" to bring over the troops under his command "threw him into the greatest dilemma"—an odd expression in one who had just been so severe on indecision. There was Rodgers, lying in so exposed a

situation that his capture would be easy—would have been attempted last night but for the rain. Only waited to finish this business of Rodgers and company—"I shall then fly to you; for to confess a truth, I really think our chief will do better with me than without me."

Washington sent this letter on to Reed, merely explaining how he came to open it.

He had hoped to make a stand here, at the river Raritan—he counted on the Jersey Militia turning out to support him, but they did not. He must continue that disheartening retreat. He waited till Cornwallis' vanguard appeared in sight beyond the Raritan; then he broke down the bridge and fell back on Trenton, reaching it on the 2nd of December, and at once began to move his stores and baggage across the Delaware. Cornwallis came marching down, "with all the pomp of war," thinking to find boats and pursue—Washington's last boats were still in sight. But Washington had been beforehand with him—there were no boats. He returned to Brunswick, to wait till he could cross on the ice, and Howe marched into Princeton.[1]

At this time a field-officer in New York wrote, "The rebels continue flying before our army. . . . Mr. Washington had orders from the Congress to rally and defend Brunswick, but he sent them word he could not. He was seen retreating with two brigades to Trenton, where they talk of resisting; but such a panic has seized the rebels, that no part of Jersey will hold them. . . . The Congress have lost their authority. . . . They are in such consternation that they know not what to do."[2]

On one of these dark days, Washington, talking with Mercer, asked him whether, if they retreated to the back parts of

[1] When Howe took possession of Princeton, on December 7, the soldiers gutted the Library of the College, Museum, and Lecture Rooms, and broke up the philosophical instruments for the brass fittings. A famous orrery, by Rittenhouse, said to be the finest in the world, perished here. The house of Dr. Witherspoon, the President, called "Tusculum," and full of the Doctor's collections in Germany and Italy, was pillaged. Every volume of the library was carried off (to be sold in New York for the price of a drink) or destroyed. (See *Annual Register* for 1777, and Judge Jones' *History of New York.*)

[2] *American Archives*, 5th Series, iii. The writer continues: "The two Adamses are in New England; Franklin gone to France; Lynch has lost his senses; Rutledge has gone home disgusted; Dana is persecuting at Albany, and Jay's in the country playing as bad a part; so that the fools have lost the assistance of the knaves. However, should they embrace the enclosed proclamation, they may yet escape the halter. . . . Honest David Matthew, the mayor, has made his escape from them, and arrived here this day."

Pennsylvania, the Pennsylvanians would support them? Mercer said if the lower counties gave up the back counties would do the same. "Then we must retire to Augusta County in Virginia," replied Washington, "and try a predatory war. If overpowered, we must cross the Alleghanies."

CHAPTER LI

THE HOUSE OF RODRIQUE HORTALEZ

"En France, la partie éclairée de la nation s'enflamma à l'idée de la liberté, et le gouvernement suivit l' élan universel. Il n'allait point à l'aveugle ; car il prévoyait avec une remarquable netteté le résultat d'une intervention victorieuse. . . . M. de Vergennes . . . disait à l'ambassadeur anglais : 'Bien loin de nous réjouir des événements, nous les voyons avec quelque peine. Ce que vous arrive en Amérique n'est à la convenance de personne. Je vois la suite de cette indépendance à laquelle aspirent vos colonies ; elles voudront avoir des flottes . . . elles seront en état de conquérir nos îles . . . elles ne laisseront pas les puissances européennes occuper une pouce de terre en Amérique.'"—J. de Crozals, *Histoire de la Civilisation.*

THEY say the pen is mightier than the sword. A mighty pen had come to the aid of America. One Thomas Paine, son of a very small farmer at Thetford, in Norfolk, brought up a Quaker, ex-staymaker, ex-exciseman, wrote a pamphlet setting forth the wrongs of excisemen. He went to London about this, and so became acquainted with Dr. Franklin, who advised him to try his fortune in America, where clever men were welcomed. So Paine made over all he had to his creditors, renounced all rights in the little property his wife had brought him,[1] and arrived in America in November, 1774. He began to write at once—at first against slavery. Soon he was editing the *Pennsylvania Magazine.* This magazine avoided politics and religion; which did not prevent Paine from writing Reflections on the death of Lord Clive, and defending the Rights of Woman. Little by little the *Pennsylvania Magazine* began to comment on more burning questions—as in a dialogue which made the shade of Wolfe meet with Gage "in a wood near Boston," and conjure him to resign his commission, rather than go down to posterity with Jeffries and the other "royal executioners." Then came Lexington. In the autumn of the year Paine wrote a pamphlet called *Common Sense,* in which he tried to show the Americans that Independence was the only way out. He told them it was idle to talk of going back to 1763. It was not in

[1] They had agreed to separate—neither of them ever told the reason.

the power of Great Britain to do their continent justice, even if she wished it. They had it in their power to begin the world again. You are surely not enduring all this misery merely for the removal of Lord North? "The object contended for ought always to bear some just proportion to the expense." One hundred thousand copies of *Common Sense* were sold in less than three months, but Paine made nothing by it—he had given away the copyright to the State. His reward was to have made a nation. His words went straight home when, on New Year's Day, 1776, Lord Dunmore wrote his arguments for him in letters of fire, in the flames of Norfolk.

Independence was a great plunge—few were prepared for it. But the British Government did its best to prove that Paine was right when he said the day of reconciliation was past. It persisted in refusing to acknowledge Congress, or even to treat with the Colonies separately until they had laid down their arms. And the whole experience of the past ten years showed that as soon as they laid down their arms, Britain would begin again with her anti-commercial laws. "Unconditional submission" had been the policy put forward by Ministers in the Debates of the last winter. And now a new factor was to be introduced into the calculation.

Already in July, 1774, Rochford, then Secretary of State for the Southern Department, had had the incredible folly to tell de Guines, the French Ambassador, that many in England thought a war with France the surest way to end the American business—for then America, afraid lest France should recover Canada, would make up her quarrel with the Mother Country. De Guines told de Vergennes, and advised him to find out how things were in America. Means were found of assuring the Americans that France considered herself well rid of Canada, and sympathised with the Americans in their struggle; and next spring Silas Deane was sent to Paris as Commercial Commissioner and Agent from the Thirteen United Colonies. He was to tell the French Government that if it did come to separation, France would be the first Power whose friendship America would seek. Thus the British Government, not satisfied with the old grudge France and Spain might be supposed to have against England for the Seven Years' War, supplied them with the new motive of fear of a new war!

Almost immediately after the Declaration of Independence, Congress had named Franklin, Silas Deane, and Arthur Lee as Commissioners to Europe. Deane was a Connecticut merchant. Lee was a Virginian of good family—an M.D. of Edinburgh. When hostilities broke out he was Agent for Massachusetts.

All the intellectual forces of France were for America. The

Encyclopædists had brought liberty into fashion; and along with a not unnatural willingness to pay off the old Canadian score, there mingled a nobler feeling, which politicians of the North school have never been able to understand—a genuine sympathy for a people struggling to be free. De Vergennes, who was a far-seeing statesman, perceived that the gain to France from American independence was doubtful. He even foresaw the Monroe Doctrine. "We are far from rejoicing at what is happening to you," he said to Lord Stormont. "It will do us no good. The end of the independence of your colonies will be that they will not permit any European power to occupy an inch of ground in America." For all this he was ready to help them; and probably only three persons in France were really averse to war with England—the King, the Queen, and Turgot.

Congress wanted money and arms—had also proposed a Commercial Treaty, but a Treaty would necessarily imply the recognition of the United States; and Louis XVI shrank from this admission of the principle of rebellion, as much as from the war which England would certainly declare next day.

At last he was prevailed on for a loan—but the Government must not appear—it must be a private transaction. So de Vergennes sent for Caron de Beaumarchais, once a watchmaker, now author of the *Marriage of Figaro*, man of letters, courtier, and secret agent. Beaumarchais had gone to London in 1775, "on business for the King of France"—the business being to ferret out the truth as to the dispute with the Colonies; and had made the acquaintance of Arthur Lee.[1] De Vergennes told Beaumarchais that the King would give Congress a million livres, and would try to persuade Spain to give another million—but—but it must appear as an individual speculation. Beaumarchais must open a great commercial establishment, and at his own risk furnish arms to America. The arsenals would deliver him arms and munitions—but he must pay for them, and America, though she could not repay him in money, could do so in tobacco—to be handed over at Cape Français in Hayti. So Beaumarchais set up the House of Rodrique Hortalez et Cie., in the Rue du Temple, with himself as managing partner. This was in the spring and early summer of 1776. Then Deane arrived, accredited from Congress for this special purpose of the French Loan and a treaty of Commerce. Beaumarchais broke off negotiations with Arthur Lee, and addressed himself to Deane; and Lee never

[1] Long before this Beaumarchais had been mixed up with that mysterious personage the Chevalier d'Eon, in the matter of the Peace of 1763.

forgave him. Lee is described as an honest man, but almost miraculously little and mean. His petty jealousies sometimes made him act like a madman, and Franklin thought he was not always responsible for his actions. The worst of it was that Lee had supposed the money was a free gift, and had told Congress so, and that the tobacco was only asked for as a blind. He knew that the House of Rodrique Hortalez was a blind to Lord Stormont, "set up without an idea of doing its work on business principles." Lee accused Deane of having negotiated a gift into a loan, in collusion with Beaumarchais, to enrich themselves at the expense of Congress. As Franklin wrote afterwards to Congress: "At present, all in that transaction is in darkness; and we know not whether the whole, or a part, or no part of the supplies were at the expense of Government, nor if we are in debt, whether to the King or M. de Beaumarchais." The affair had painful results, and implicated the good faith both of Silas Deane[1] and Beaumarchais.

On the 10th of June, 1776, Beaumarchais received de Vergennes' order for one million livres on the French Treasury; two months afterwards he received another million from the Court of Spain, and some time after that a second million from France. First and last, he collected about two millions more from his friends, so that Rodrique Hortalez et Cie. had a capital of about five millions in all. As soon as Deane arrived, he saw de Vergennes, and proposed a commercial treaty, at the same time asking for 200 pieces of cannon,[2] and arms, munitions, clothing, etc., for 25,000 men. De Vergennes told him he must go to Beaumarchais—"he is a merchant." Deane agreed to pay in tobacco, and after a good deal of difficulty the stores were got off—and with them a great number of French officers, eager to teach the Americans how to use them. Of course Stormont heard of it, and complained, and talked of treaties. Stormont was angry, de Vergennes very polite. He always protested that France was most anxious to conform to the treaties, if Lord Stormont would only mention which treaties were to be considered still in force. This, for various reasons, it was not convenient to do just then, so the British Government

[1] As Deane became later a secret agent of King George III (see the *King's Correspondence with Lord North*), his word ought not to be taken as evidence. This treachery was not known for many years.

[2] Cannon were cast in the royal foundries which had not the arms of France impressed upon them, so the workmen knew they were intended for America.

had to put up with a great deal—till it should have subdued America. To quiet the British Ambassador, every now and then a ship for America would be stopped and searched, and if warlike stores were found, would be ordered to unload them. But a cargo can be reloaded—at any rate, the ship always sailed, and from this time there was a constant stream of supplies from France. Ministers made up for having to be civil to France by bullying Holland, and searching Dutch ships, until Holland began to get her own fleet ready.

In December Franklin arrived,[1] and received an enthusiastic welcome, which again excited the jealousy of Arthur Lee—his own attempts at negotiation had been very unsuccessful. Franklin informed Congress of the true nature of the loan, but it is doubtful whether he ever knew anything about the affair. It was begun long before he arrived, and he left it to Deane.

Franklin brought over with him a plan for peace—England to renounce all claim to govern any of the United States, and to cede her North American possessions, Bermuda, etc., and in return the United States to pay the British Government £100,000 for one hundred years. It would have been worth our while to accept this proposal. But a nation whose judgment was calm enough to see this would never have got itself into the situation which produced the offer.

It was given out in England that Franklin had run away from America; but there was a terrible secret fear that he was gone to persuade Louis XVI to acknowledge the United States. Lord Stormont had remonstrated on "the chief of the American rebels" being allowed to land in France. De Vergennes sent a messenger to forbid him to come to Paris, but it happened that the messenger took one road and Dr. Franklin another; and once arrived in Paris, de Vergennes said it would have been a violation of hospitality to turn him out. "The old man, with gray hair appearing under a martin fur cap," greatly impressed Parisian society. It was said by

[1] When Franklin went from America to France, Rockingham wrote: "In regard to this event, I cannot refrain from paying my tribute of admiration to the vigour, magnanimity, and determined resolution of the *Old Man*. The horrid scene at a *Privy Council* is in my memory, though perhaps not in his. It may not excite his conduct. It certainly deters him not. He boldly ventures to cross the Atlantic in an American little frigate, and risks the dangers of being taken, and being once more brought before an implacable tribunal. The sight of Banquo's ghost could not more offend the eyes of Macbeth, than the knowledge of this old man being at Versailles, should affect the minds of those who were principals in that horrid scene."—*The Marquis of Rockingham to* ——, December, 1776.

ministerialists that he appeared at Versailles, and ran against Stormont in the ante-chamber—but this was not the case. De Vergennes and Franklin were very cautious, and Franklin was given plainly to understand that France could not recognise the States until some signal military advantage had been gained over the British. Of this there seemed little chance at present.

Franklin came over in the *Reprisal*, Captain Wickes. Wickes took several prizes on his way, among them two brigantines. Perhaps the taking of the brigantines put the idea into Franklin's head, perhaps Beaumarchais suggested it — but very soon afterwards the American Envoys bought "a trim-built cutter," at an English port, sent her over to Dunkirk to be fitted out as a privateer, christened her the *Surprise*, and appointed Captain Conyngham to command her. And presently she began to surprise with such effect that one fine morning the Captain of the *Prince of Orange* mail-packet from England to Holland was waited on by Captain Conyngham as he sat at breakfast in his cabin. That day the English mail-bags were forwarded to Paris instead of to the Hague. Lord Stormont thereupon asked for his passports; so Conyngham and his crew were locked up in Dunkirk gaol, the *Prince of Orange* was restored, the *Surprise* confiscated, and two French men-of-war went to Dunkirk to try Conyngham as a pirate. But unfortunately there were not good locks to the prison, and so the pirates escaped—as de Vergennes explained to Lord Stormont with deep regret.

CHAPTER LII

GENERAL LEE

"Give me leave to say your affairs are in a more unpromising way than you seem to apprehend; your army is on the eve of dissolution . . . there is a material difference between voting battalions, and raising men."—*Washington to Congress*, Sept. or Oct., 1776.

HOWE'S first idea had been merely to take possession of New Jersey, but Cornwallis' successes suggested the possibility of taking Philadelphia at once, by a *coup-de-main*.

Of his retreat Washington wrote to Congress: "Nothing but necessity obliged me to retire before the enemy. . . . If the militia of this State had stepped forth in season, and timely notice they had, we might have prevented the enemy's crossing the Hackensack. We might, with equal possibility of success, have made a stand at Brunswick, on the Raritan. But, as both these rivers were fordable in a variety of places—being only knee-deep—it required many men to guard the passes, and these we had not."

When Cornwallis was stopped at the Delaware, he was only sixty miles from Philadelphia. Congress had thought it advisable to adjourn to Baltimore.

The weather was becoming severe—Howe ordered the army into winter quarters, and returned to New York. He had just committed a great mistake. Believing that further resistance was impossible—for he was aware that all the American enlistments would expire at the end of the year—he had divided his forces, sending Parker's squadron, with Clinton and Percy's divisions, and two English and two Hessian brigades, to Rhode Island. Clinton took possession without resistance, but for the next three years this considerable body of troops was uselessly employed in occupying the smallest State in the Union.[1]

Cornwallis had asked for leave—his wife was dying of grief and anxiety at his absence. Howe appointed Grant in his place, and left Donop with two Hessian brigades, the "yagers" and 42nd Highlanders, to hold the line from Trenton to Burlington.

[1] Clinton sailed on the 1st of December.

Three Hessian regiments were at Trenton. The chain of British posts extended from Fort Lee, on the Jersey shore, to Trenton—from the Hackensack to the Delaware. Howe was aware it was too long a line, but gives as his reason the wish to cover the County of Monmouth, where there were many loyalists. Donop had orders to hang on the nearest tree any inhabitants who, in bands or separately, fired on any of the army. All provisions exceeding the wants of an ordinary family were to be seized—from Whig and Tory alike. It was impossible to prevent the Hessians from plundering—they came to America to do it, and they did not desert only as long as they were allowed to plunder.[1]

In this division of force, and long-extended line, Washington saw an opportunity for "a stroke" which should restore the confidence of the people. He only waited for the Canadian reinforcements, and for Lee—when on December 13 he learned that Lee had been taken prisoner by the British!

Lee did not cross the Hudson till the 2nd of December. His plan for catching Rodgers had failed. But he wrote to Washington that the delay had done good service—it had augmented his army. He expected to enter Jersey with 4000 men, who would "make a very important diversion." He hoped Washington would "bind him as little as possible—detached generals cannot have too great latitude, unless they are very incompetent indeed." He made another attempt to make Heath part with 2000 of his men. Heath, who had written to the Commander-in-Chief on occasion of Lee's former demand, produced the reply, ordering him to remove no men from his post. Lee said he knew best what was necessary—Washington was at a distance. Heath, a plain, simple soldier, refused unless Lee chose to give his written order, *as commanding at that post.* Lee did so—but even his effrontery seems to have quailed on reflection, for next morning he said he would not take the regiments. He was receiving message after message to come, for Philadelphia was in danger; but his march was most dilatory. At Chatham, on the 9th, he heard from Heath that three of the four regiments sent to Washington's aid from Schuyler's army had arrived at Peekskill. He immediately ordered Heath to send them on. "I am in hopes to reconquer the Jerseys." From Morristown he wrote to the Committee of Congress that he did not intend "to join the army with Washington." On the 12th he marched eight miles to Vealtown.

[1] "They were led to believe, before they left Hesse-Cassel, that they were to come to America to establish their private fortunes, and they have acted on that principle."—*Evidence of Major-General Robertson*, June 8, 1779.

He had now about 4000 men with him. The British were only eighteen miles off, but Lee left General Sullivan with the troops, and went to Baskingridge, three miles off, to pass the night at a tavern. He took only a small guard with him. About four next morning he was aroused by Major Wilkinson, sent by Gates to ask what should be done with the other four regiments from Canada. Lee told Wilkinson to take some sleep. At eight, he appeared "in slippers and blanket-coat." Even then he frittered away several hours, talking to Wilkinson, and bullying the Connecticut light-horse, who came with complaints.[1] Sullivan sent for orders, and Lee told him the route to take—he would soon follow. Wilkinson thought it showed he meant to attack the British at Princeton. They did not breakfast till ten, and after breakfast Lee sat down to write to Gates. "This ingenious manœuvre of Fort Washington" had unhinged the goodly fabric "we" had been building. "There never was so d——d a stroke; *entre nous*, a certain great man is most damnably deficient." Lee had just signed this letter, when Wilkinson, who was looking out of the window, saw a party of British dragoons running up the lane which led to the house—they were led by a young cornet—Banastre Tartleton—who was to play a very considerable part in the later years of the war. By a singular coincidence the dragoons belonged to the identical regiment which Lee led into Villa Velha, when he surprised it in 1762.[2]

Resistance was impossible—Lee's guard had stacked their arms, and were warming themselves in the sun on the side of a house opposite. All that can be said for Lee is that he refused to hide under a bed. It would not have saved him—a Tory who had recognised him at the tavern the night before had ridden hard to Pennington and given information. The British threatened to fire the house. Lee surrendered. No time was lost, for fear of a rescue. The "heaven-born general" was put on Wilkinson's horse—which was standing saddled at the door—and hurried away, still in the blanket-coat and slippers. A feu-de-joie was fired when he arrived in the British camp—for they too believed that Lee was the "most scientific and experienced" of the rebel generals.

[1] Some of them must have been odd figures—they wore full-bottomed perukes, in the fashion of George the First. "One wanted forage, another his horse shod, another his pay, a fourth provisions," etc., to which the General replied, "Your wants are numerous; but you have not mentioned the last,—you want to go home, and shall be indulged; for d—— you, you do no good here." (*Memoirs of General Wilkinson.*) The pious and decorous Connecticut men were not used to such language, and retired offended.

[2] Fonblanque's *Life of General Burgoyne.*

CHAPTER LIII

TRENTON

"Your imagination can scarce extend to a situation more distressing than mine. Our only dependence now is upon the speedy enlistment of a new army. If this fails, I think the game will be pretty well up, as from disaffection and want of spirit and fortitude, the inhabitants, instead of resistance, are offering submission and taking protection from Gen. Howe in Jersey."—*Washington to Lund Washington*, December 17, 1776.

"These are the times that try men's souls."—Thomas Paine, *The American Crisis*, December, 1776.

"Paine wrote by the camp-fires; the winter storms, the Delaware's waves, were mingled with his ink; the half-naked soldiers in their troubled sleep dreaming of their distant homes, the skulking deserter creeping off in the dusk, the pallid face of the heavy-hearted commander, made the awful shadows beneath which was written that leaflet which went to the Philadelphia printer along with Washington's last foreboding letters to his relatives in Virginia."—Moncure D. Conway, *Life of Thomas Paine.*

WASHINGTON had now been reinforced by 1500 volunteers from Philadelphia. He was entreating Congress to raise and officer some battalions for the United States, without the intervention of each several State. Its first act on arriving at Baltimore was to give him full powers to direct all the operations of the war. He at once ordered three battalions of artillery to be recruited. "Ten days more," he wrote, "will put an end to the existence of this army."[1] On the 20th Sullivan brought up Lee's men—they were in a miserable plight, destitute of everything, and many only fit for the hospital. The same day Gates arrived with 500 effectives—all that remained of four New England regiments. Washington's army was now somewhere about 5000, but on January 1 he would have only about 1400—all miserably provided. None the less he had made up his mind to attack Rahl at Trenton. His camp at Trenton Falls was nearly opposite to Trenton. The outrages

[1] "I saw him in that gloomy period; dined with him, and attentively marked his aspect; always grave and thoughtful, he appeared at that time pensive and solemn in the extreme."—WILKINSON.

committed by these German hirelings had turned terror into hatred—moreover, the Hessians had grown careless, intent only on plunder. The three regiments were commanded by Rahl, Knyphausen, and Lossberg. Rahl had asked, and obtained, the chief command for his services at Chatterton Hill and Fort Washington. Some of his men kept diaries, from which we learn that the Colonel was a martinet when sober, but was frequently drunk. He harassed his men with purposeless duty. He had the cannon dragged about the town every day; and he was distractingly fond of music. He did not mind what his men did when off duty if only he had enough of the hautboys. He made the guard march round and round the churchyard palings to music; he would make merry till late at night, and rise late of a morning, and was not ready when the officers came to parade. On parade he thought of little but how the music went. When it was suggested to him that a few outworks might as well be thrown up, he scorned the idea—if the rebels came, at them with the bayonet! When Major von Dechow urged that works would cost nothing, the Colonel only laughed, and made unseemly jests. But he was a good-natured, rollicking man, of great personal bravery, and in spite of his fancy for dragging cannon about, his men liked him.

Once more, at this terrible juncture, the pen came to the help of the sword.

Thomas Paine had given up writing in the *Pennsylvania Magazine*, and had enlisted instead in the Pennsylvania division of the Flying Camp—ten thousand men, engaged to go wherever they were needed. Paine did not go home when his time was up—he re-enlisted. He was in the retreat from Fort Lee, when the Provincials had to leave their dinners behind in the camp ovens. When Washington tried to make a stand at Newark, Paine began to write the first number of the *American Crisis*; but half Washington's army left him at Newark, and the *Crisis* was not printed till December 19, when it appeared in the *Pennsylvania Journal*. Copies came into the camp above Trenton Falls, and men who knew that the General was planning an attack on the enemy, gathered round the camp-fires of nights to hear a comrade read it. It began, "These are the times that try men's souls." The words rang in their ears as they tossed among the icefloes of the Delaware, that "Christmas day at night," when Washington set off to surprise the Hessians at Trenton.

By this time there was more reason than even the raising the

spirits of his army; by an intercepted letter[1] Washington had definitely learned that Howe was only waiting till the Delaware should be completely frozen over to advance on Philadelphia. At all hazards something must be attempted before that. "Our numbers," wrote Washington, "are less than I had any conception of; but necessity, dire necessity, will, nay, must, justify an attack." There was no time to be lost. In a few days the Delaware would be so blocked with ice that boats could not cross; a few more days still, and an army could. And on New Year's Day most of his own army would go home. He chose the night of Christmas Day, rather because it was the first moment at which he could move than because he hoped that the season's carousal would relax vigilance. He intended to cross at McKonkey's Ferry, nine miles above Trenton, and march down. Ewing, with the Pennsylvanians, was to cross a mile below Trenton, and march up; and Putnam was to bring down the troops from Philadelphia, cross below Burlington, and attack the lower posts under Donop. Washington wished Gates to lead a party, but Gates shuffled out of it—he too loved a separate command, and was intriguing to get Schuyler's. He wanted Washington to retire behind the Susquehannah, and told Wilkinson he was going to Congress to propose it!

At the instant of starting, Washington received a letter from Reed to tell him that a loyalist insurrection seemed to threaten in Philadelphia, and Putnam could not leave. The 600 men he sent instead tried to cross at Dunk's Ferry, but the rising tide threw back the ice on the Jersey shore in such heaps that neither horse nor artillery could cross. Ewing, opposite Trenton, did not even try to get over, convinced that Washington would not make the attempt in such a storm. It was one of the worst nights of December.

As soon as it was dark Washington marched to McKonkey's

[1] Washington had plenty of spies in Jersey, and always kept a little "hard money" for them, doling it out to his officers by 20 or 25 guineas at a time. He also sent them phials of invisible ink, and instructions how to use it. John Honeyman, one of his spies, was in Wolfe's Body-guard at Quebec. He was now a butcher and cattle-dealer, and it was natural for him to be often in and near Trenton, buying beasts. When he had something to tell, he got himself captured by some American scouts, who strapped him to his horse, and took him to head-quarters at Newtown. The Commander-in-Chief examined him in private for half an hour, and ordered him to be court-martialled next day. But next day Honeyman was not to be found. This conversation decided Washington to risk the attempt on Trenton.—See *Stryker, and Washington's Letters to the President of Congress*, of August and September, 1778.

Ferry with his 2400—all he had fit for such a service. He knew by this time that Ewing could not join him. At the Ferry Wilkinson overtook him with a letter from Gates, to say he was on his way to Congress—Wilkinson had traced the march by the blood on the snow; most of Washington's men, like Lee's, had broken shoes. He left Washington to make the great attempt without him, and hurried back to overtake Gates, whose fortunes he thought were bound up with his own.

The troops began to cross about sunset. "The weather was intensely cold, the wind was high, the current strong, and the river full of floating ice." The Marblehead fishermen went first—they were nearly as amphibious as seals. Washington crossed early, and waited on the Jersey bank. These are the times that try men's souls. It was terrible work getting the artillery over, but Knox's "stentorian lungs" enabled his voice to be heard above the storm. It was three in the morning before the last gun was landed—four, before the line of march could be formed, and they set out in the teeth of the north-easter that blew the snow and sleet in their faces. Nine miles they went, the ground slipping from under their ill-shod feet—now climbing a steep hill, now marching through wooded defiles and forests of oak and hickory. At Birmingham Washington divided his force — Sullivan was to march by the river, he himself by the Pennington road. Just before they got to Trenton Sullivan sent to say the men's muskets were wet. "Then tell your general to use the bayonet," said Washington; "the town *must* be taken."

Rahl had been warned. Washington's camp was surrounded by loyalist spies, and word had been carried to General Grant (in command at Princeton, after Cornwallis got leave of absence) that Lord Stirling meant to attack the posts. Grant did not believe the rebels could do so in any force. "Washington's men," he wrote, "have neither shoes nor stockings nor blankets, are almost naked, and dying of cold and want of food." But he warned Donop, who laughed, but sent on the warning to Rahl. That brave though drunken commander also laughed. And, most fortunately for Washington, it happened that on Christmas night—the very hour of the attack had been named by the spy—an American patrol came out of the woods at the Trenton outpost and fired upon the picket. The alarm was given. Rahl himself turned out, and marched with a field-piece through the woods, but found nothing, and returned to quarters believing this was the attack foretold. He laughed again. And in the morning Washington came.

But at daybreak he was still two miles from Trenton, and it was 8 o'clock before he reached the village. The weather was so bad that everyone was indoors; the snow deadened the rumble of the artillery. At the entrance to the village a man was chopping wood. "Which way to the Hessian picket?" said Washington. "Don't know," said the man. "You may tell," said a captain of artillery; "that's General Washington." "God prosper you!" cried the man. "The picket is in that house, and the sentry is by that tree."

In the guard-house was the lieutenant who kept the diary—he was just quick enough to make a stand—thinking this was only a marauding-party; but he fell back on seeing the artillery. At the same moment the sound of firing from the river told that Sullivan had fallen upon the river outpost. The surprise was complete. The Hessians beat to arms—some of them fired from windows, others rushed out and tried to form in the main street. But the artillery had already been unlimbered, and a battery of six guns was opened down the street; Washington advancing with the guns, and directing the fire. The Hessians were trying to get out a couple of cannon, but the pieces were taken before they could be fired. Meanwhile Sullivan was approaching from the west, with the British Light-Horse and five hundred Hessians in headlong flight before him. Poor Rahl completely lost his head. He got on horseback, and tried to rally his men, and did get them out of the town and into an orchard—he might perhaps have got them off by the Princeton road; but he could not bear to run away, nor could his men bear to leave the twenty-two waggons full of plunder which they had collected at Trenton. So he went back "like a storm on the town," says one of his corporals. The lieutenant of the diary saw that it was madness—"A town of no use to us—full of five or six thousand enemies, and a battery of six guns on the main street. And he to think of retaking it with his six or seven thousand men with their bayonets!"

There was one furious charge—and Rahl fell, mortally wounded. In thirty-five minutes after the first shot was fired over 900 men had surrendered, and Rahl, supported by two corporals, was delivering up his sword. He was carried to his quarters—the house of a Quaker family. Here Washington went to see him. Rahl begged that nothing should be taken from his grenadiers but their arms, and Washington promised. The unlucky Commander died that evening—his lieutenant pays him

the tribute of saying that if he had not been wounded the Hessians would never have surrendered.[1]

Panic had given Washington the victory—panic, which magnified his 2400 men to 6000—even to 15,000. But he dared not stay. He had nearly 1000 prisoners. If Ewing had been there, he could have fallen upon Donop; even as it was he had turned the tide of fortune. The terrible Hessians, the man-eating Hessians, who breakfasted on babies, had surrendered to a Provincial army!

The effect of Trenton was out of all proportion to the actual loss, though that was heavy. The British army had made sure that America was conquered. Canada was recovered. All that remained was to take quiet possession of Philadelphia as soon as the weather allowed. Howe had just gone into winter quarters in New York—where, report said, he was playing faro every night with the younger officers, while his mistress spent his money for him, and his officers got up theatrical entertainments for the benefit of the soldiers' widows and orphans—and to celebrate the General's being made a K.C.B. for Long Island. Cornwallis was at Amboy, his luggage already embarked for England, when he was called back to dislodge Washington from Trenton.

Washington formed his plan the day after Trenton—he meant to recover the Jerseys. Nearly half his army was ineffective from fatigue, but on December 29 he recrossed the Delaware, and was once more at Trenton by the night of the 30th, writing urgent letters to Gouverneur Morris in Philadelphia, to send him money—on the personal security of himself and his officers. Washington had about £5000 a year—a good fortune for those days, but not enough to pay an army with. Morris had sent him five hundred dollars, "in hard money," a little before, but it had all gone in obtaining intelligence. On December 31 the time of the Pennsylvanians expired, but Washington succeeded in persuading them to serve six weeks longer. And on New Year's Day, 1777, Morris rose betimes, and went from house to house in Philadelphia to borrow money of people before they were out of their beds; so he scraped together some 50,000 dollars to send off that day, with promise of more. And volunteers were coming in fast, and Washington had nearly 5000 men with whom to meet Cornwallis.

On the 27th of December Congress had invested Washington with full military powers. Ministerialists represented this as a

[1] Journal of Lieutenant Piel.

"Military Dictatorship," but Washington did not so understand it. He wrote back to Congress, "Instead of thinking myself freed from all *civil* obligations by this mark of your confidence, I shall constantly bear in mind that, as the sword was the last resort for the preservation of our liberties, so it ought to be the first thing laid aside when those liberties are firmly established."

Cornwallis reached Trenton on January 2. That night the armies were in sight of each other, on either side the Assanpink River. Some of the British officers were for forcing the passage that night, but the Americans had cannon; Cornwallis said he would wait and bag the fox in the morning. The American camp-fires burned on steadily all night, and the Americans could be heard working at their entrenchment; but when morning broke, behold the fox was "gone away"; and before Cornwallis could get over his astonishment he heard the booming of cannon at Princeton, and knew that Washington was trying for Brunswick.

Washington, after he "stole away,"[1] marched by the new Quaker Road—a loop which enabled the Americans to avoid Leslie and the British rear-guard on the mainroad. The new road was rough, the stumps of the trees broke the waggon-wheels, and it was near sunrise on a frosty morning before he reached Stony Brook bridge, three miles from Princeton. He crossed, and led his main body to the edge of a wood, where a short cut led to Princeton, leaving Mercer's brigade to continue along the brook, and destroy a bridge. Early that morning Colonel Mawhood, with three regiments, had started from Princeton to join Cornwallis at Trenton. Mawhood had crossed Stony Brook, and gained a hill, before he saw the glitter of arms, as Mercer's men filed along the Quaker Road towards the other bridge. There was a short, sharp action, but the British had bayonets and the American riflemen had none. They were beaten back, and thrown into confusion, and Mercer fell covered with wounds. Mawhood was pursuing, when the Pennsylvania Militia, detached by Washington, who had heard the firing, came up, and at the same moment Washington himself arrived. Sword in hand, he led the Pennsylvanians, and rallied Mercer's men. The 7th Virginians emerged from the wood, and the American artillery opened fire. Mawhood now found himself in a critical position. "For a short

[1] "A Council of War was held that night at Mercer's quarters, before the army moved. The chief objection to the plan was the state of the roads—almost impassable from the thaw. But that evening the wind changed to north, and in two hours the roads were frozen hard."—Irving's *Life of Washington*.

time, the action was desperate." Washington adventured himself so far forward that he was in equal danger from friends and foes, and a young Irishman, his aide-de-camp, gave him up for lost, and drew his hat over his eyes that he might not see his Commander's fall.

Mawhood was now in retreat towards Trenton, but his advance-guard (the 55th) fell in with St. Clair and the American advance-guard. There was another brief action, in which about a hundred and fifty British were killed, and nearly three hundred taken prisoner. The Americans' loss was twenty-five or thirty men and several officers. The great loss was Mercer.[1] Cornwallis claimed the engagement as a victory—acknowledging that it was bought very dear—because Washington drew off into the higher ground by Somerset Courthouse. Cornwallis came up just in time to see the Americans march away in good order, with their three hundred prisoners.

The tables were turned—the hunted became the hunter. Washington swept the Jerseys, and by January 18—on which day Sir William Howe was formally invested with the Order of the Bath—only Amboy, Brunswick, and Paulus Hook were held by the King's troops, in all Jersey.

[1] Mercer lingered till January 12.

NOTE.—The exact number of Hessians who surrendered at Trenton was 946. They were taken into Pennsylvania, thence into Virginia. Wherever they came, the people thronged to look at them, and were astonished to find them so much like other men. At first they were hooted and reviled for hiring themselves out to kill people who had never injured them—the old women being particularly uncivil. But Washington had notices put up, to say that the Hessians had not come of their free-will, but by compulsion, and ought therefore to be treated as friends, and from that day, says a corporal of Hessians, "things went better with us. Every day many came out of the towns, old and young, rich and poor, and brought us provisions, and treated us with kindness and humanity."

CHAPTER LIV

THE KING'S DEBTS: THE EXPENSES OF THE WAR

"The debts of the civil list are to be paid. Seven hundred thousand pounds are to be granted for this purpose, and two hundred thousand pounds per annum to be added to the civil list, in order to make it a permanent yearly income of ONE MILLION, clear of all deduction. The King desires it. Lord North was to have done it when he had his riband. That was understood to be the bargain; but his Lordship, having got the riband, shuffled about the civil list. However, his Lordship is obliged to do it now, or the Bedfords will supersede him. The Bedford faction and the Buckingham-house faction are the violent parties against America. If these blood-thirsty men were removed, peace would be restored. . . . The addresses set on foot by the Bedford and Buckingham House factions, from Jacobite towns, venal traders, hungry contractors, and ignorant Justices, to flatter the King, and keep them in office, do not contain the voice of the nation, but may be very proper to accelerate the ruin of the kingdom. . . . The empire is dismembered. Great Britain is not half herself. *Her colonies are lost for ever!* A diminished trade; an increased taxation. . . . This war of infamy will, on our side, miscarry in every part."—*Part of a* GENUINE *Letter from a Gentleman in Town to his Friend in the Country*, dated Oct. 10, 1775.

"I never said that I had nearly subdued America. What I said, and what I again repeat, was, that under God his Majesty's arms had met with many signal successes, and that I thought we were in a fair way of subduing America, not that we had nearly subdued it."—*Lord North on the Bill for Suspending Habeas Corpus*, Feb. 10, 1777.

IN England we had made equally sure that the war was over. Howe's last despatches had been full of Cornwallis' triumphant progress, and the "confusion" of Washington's retreat. The rebellion was breaking up everywhere—whole bodies of people tendering submission; Congress run away, its authority gone; Cornwallis coming home. The next despatch (dated December 29) gave the news that Rahl's and Knyphausen's divisions had been taken prisoners by the defeated General! And on the heels of this came news of several other actions, all with considerable loss to ourselves. And now the American army was called "a superior force"! The anger at home was so great that Ministers thought

it prudent to divert some of it to the heads of Opposition—who brought all this upon us, by their encouragement of the Americans —even if (as was hinted) they had not actually sent them money. But for the vigorous resistance to the Bill for Suspending Habeas Corpus, Rockingham—and perhaps Chatham—might have been sent to the Tower, in spite of the ridicule Administration had just incurred by sending Mr. Sayre there.

For, of course, as soon as anything went wrong a Bill was brought in to suspend Habeas Corpus (February 6). It was drawn in a very odd and suspicious manner—the preamble said one thing, and the body of the Bill another. The preamble seemed to be directed only against treasons committed in America, or on the high seas; but the body of the Bill could easily have been construed to allow the detention without trial of any persons "suspected" of high treason—of, for instance, any too officious member of Opposition, especially if it could be shown that he had lately received letters from America. For several years it had been openly avowed that all letters to or from America were liable to be opened. After a hard fight Opposition succeeded in inserting a clause limiting the Bill to the terms of the preamble. The treason must have been committed in America, and the person "suspected" must have been in America at the time.

Wilkes, in a long and very able speech, had given the case of Ebenezer Platt, an American merchant, who had been tried at Kingston, Jamaica, on a charge of treason committed at Savannah, and acquitted. In spite of his acquittal he was confined on board the *Antelope* for three months, then removed to the *Boreas* for four weeks, then carried to the *Pallas*, and brought in irons to England. Arrived at Portsmouth, he had been kept on board the *Centaur* for three weeks, and then taken to the *Barfleur*. A Habeas Corpus was obtained, directed to the captain of the *Barfleur*; but before it could be served, an express arrived from the Treasury, and Platt was taken back to the *Centaur*. Thus the writ of Habeas Corpus was eluded. Platt's friends showing they meant to take out another writ, he was brought to London, and committed to Newgate by Justice Addington, and not allowed to see any of the witnesses against him, or even to hear their affidavits read. He was charged generally with high treason —whereas Blackstone and every other authority are agreed that some specific act of treason must be mentioned—such as compassing the King's death, or levying war against him. The Bill would have legalised all these illegal proceedings.[1] Rigby, in his usual

[1] See Note at end of Chapter.

brutal way, said he wished Habeas Corpus could be entirely suspended—it was as necessary to do this now as in 1745. Then the rebels avowed their principles—now they skulk behind legal quibbles, and aid the Americans covertly. It was in this debate that Fox first warned Ministers of a projected treaty between France and America.

And now the burden of the war became patent to all. We learn what the country was paying for its whistle. The Debate of February 21, on the Army Extraordinaries, gave Opposition the opportunity of asking a number of very inconvenient questions about "the extraordinary services, incurred and paid by Mr. Rigby; also an account of the distribution of £970,000, and likewise the investment of £799,973, 18s. 5d. in the purchase of Spanish and Portuguese coin, for the use of his Majesty's forces in America." Lord Newhaven wanted to know about the purchase of baggage-horses; Barré asked what was the £44,000 "issued to Colonel Fawcit, unaccompanied by any explanation." And how about the unwholesome provisions sent to America from Great Britain and Ireland, and the sickness and mortality they had occasioned among the troops—the bad flour, first imported *from* America, then exported thither at a most exorbitant price—flour that would not bear a second voyage, but got heated, and spoiled? So that the contractors were paid the very best price for the very worst stores—in fact, they worked off on the Army their unsaleable flour! Then the meat—Barré himself, being in Ireland last summer, in the very heat of the dog days, saw great droves of hogs going to slaughter, killed, immediately salted, and packed for the army in America. He had the curiosity to ask the coopers whether this meat would keep—they said it *might*, for the voyage; but must be opened and consumed at once on arrival—and even then would be barely eatable.[1]

[1] "The peculation in every profitable branch of the service is represented to be enormous; and, as is usual, it is attended with a shocking neglect of every comfort to the troops. The hospitals are pest-houses, and the provisions served out are poison; those that are to be bought, are sold at the highest prices of a monopoly."—*Letter of Solicitor-General Wedderburn to William Eden*, 1777.

There is a letter from Gordon, a specially notorious contractor, to John Robinson. It was written from Cork, August 20, 1776, and was sent by Robinson to General Howe. Gordon says he is "shocked to death almost at the thoughts of the bread in the *Howe*, *Minerva*, *Lonsdale* and *Lord Lewisham* being bad, unfit for use, mouldy and shipped in bags short of weight, and I am obliged to you, Sir, for the very early information, but if my life was at stake and could be saved with more care I could not take it in everything I have to do relative to the provisions. Never less than three people besides himself examine everything. It leaves me in good order, and except it be made of bad materials,

North explained that the £44,000 was levy-money for the Landgrave of Hesse—to say the truth, Administration had not expected to pay it, as it was not in the treaty. As for the provisions, some were as good as could be wished—some indifferent, as was always the case. They were sent out in haste—we shall do better next time—we have now arranged that if provisions are "damaged or unmerchantable," the loss shall fall on the contractor. Contracts were not given by preference to such as had a seat in Parliament. Some of the bread he allowed was bad—but these were accidents.

And now at last the dreaded question of the Arrears of the Civil List, staved off for eight years, could be staved off no longer. North, scarcely recovered from his severe illness, was really to be pitied the day he had to deliver the King's gracious Message (April 9), that his debts were more than £600,000, and that he relied on his Faithful Commons to pay them.

The balance-sheet was appalling; the accounts were glaringly defective—Lord John Cavendish said, because the items would not bear the light. Where had the money gone? The King and Queen are frugal; the King has no vices; the death of the Princess Dowager, five years ago, augmented the royal income very considerably. He compared the sixteen years of his present Majesty with sixteen years of the late reign—making every allowance, the present outlay ought to be somewhat less—indeed, since the death of the Princess there ought to have been a saving instead of a deficiency. Many of the tradesmen have not been paid for years, and are reduced to great straits for want of their money. £6000

what will not keep, which I cannot discover by my taste or smell, or by soaking in water, it should keep twelve months . . . all my assistants are perfect judges of bread, and I have eat a great deal of bread myself in the service and know very well what it should be. . . . If I mistake not the *Minerva's* bread came from the same person as that in the *Tartar* which I condemned, and which is yet in store. I have condemned this day 573 barrels of flour . . . I have also condemned some town bread here at the baker's and prevented the delivery of it in Cork to the agents who complained to me of it." In his own letter, Robinson complains of Mr. Apthorpe, who had had what North called "the enormous sum" of £840,776, 6s. for supplying the Army. Robinson says that Apthorpe "seems to wish to confound the business by his observations about the exchange." Robinson finds his observations far from satisfactory. A later letter of Robinson's says that Apthorpe continues to draw bills without explaining whether for subsistence or extraordinaries, though repeatedly directed to make such distinction. (*Hist. MSS. Report I*, pp. 54 and 83.) The blame seems to have been laid upon the flour—perhaps justly, for there is no trace of denial. The only defence set up is that the provisions were left exposed to the weather on arrival. This, however, does not explain complaints made before the provisions left Great Britain.

is owing to the coal-merchant. There is £10,000 a year for wax-candles. The menial servants are six quarters in arrears! There are no vouchers, and beyond certain fixed salaries to public functionaries, Parliament has no knowledge of where the money has gone, or how the grant we are asked to make will go! It was boldly said that neither waste in the Household—twenty-three separate tables—nor needless and frivolous places at Court, nor alms to American Tories could account for the expenditure. SECRET SERVICE was the key to the enigma—or, to put it more plainly, BRIBES.[1] Nearly £600,000 had been expended in Secret Service since 1769—of this sum £285,000 had been expended by the Secretary of the Treasury, and at the same time the Pension List had increased enormously. Now we are asked to grant more—not only to discharge the debts, but to grant more! The Crown is already much too powerful, and we are depraved enough already! When the Minister applied for a grant in aid, in 1769, he promised never to come again!

The unhappy Minister replied that he did not want to come—the task was a disagreeable one—he little thought he should ever have to come again—he thought he should be out of Administration. But now, so stable is government, an Administration can live eight years! And he never promised to prevent any future excess. Then there are new expenses—the loyalists have been stripped of their property, and driven here, without means of subsistence. We must relieve them—and they have been relieved to the amount of £27,000. And if the power of the Crown has increased (which he denied) it was because of the wisdom and rectitude of his Majesty's councils.

Wilkes went into an exhaustive examination of the Civil List Act, and of the manner in which it had been stretched. He compared the expenses of George II with those of George III. We are trustees for the people, and we ought to prevent money being squandered like this—we are being fleeced just at the moment of a most expensive war! "Are the people really nothing in the scale of Government?" The principal of the National

[1] "It came out that £300,000 had been privately issued at the Treasury for secret services in . . . 1772. A large part of this large sum had probably been employed for the safety and maintenance of the Queen of Denmark; but there could be no doubt neither but a large portion had been expended to carry the Royal Marriage Act—a bill so unpopular that almost all the ministers had expressed dislike and repugnance to it. Lord North had been the most averse of all; but it was now whispered that his assent and support had been purchased at a very dear rate indeed—that is, by a grant of the Savoy, or part of it, for the sale of which a bill had passed."—Horace Walpole, *Last Journals*, i. 280.

Debt was stated at Midsummer, 1775, to amount to the astonishing sum of £135,943,051, and the interest to £4,440,000. Is this a time to ask for more, when the greatest sources of our commerce are destroyed by the folly and wickedness of Administration; when we have already spent above £19,000,000 in this unjust war, and above half our empire is lost? Queen Anne never asked for another £100,000—she gave the Civil List unasked £100,000 yearly towards the expenses of the French War! George I and George II had each the great expenses of a rebellion—the cost of the '45 was enormous. Then Wilkes showed how the King's revenue had been increasing — partly by the increase in the Post Office, "since the death of Mr. Allen" threw the "cross posts" into the hands of Government.

Next he came to the accounts. The Deputy Auditor of the Exchequer, the Treasurer of the Chamber, and the Master of the Horse said they had no materials for accounts! This, said Wilkes, is an insult to the House, and such accounts as have been sent in are so "loose, perplexed and unintelligible," they are "a solemn mockery." Many gentlemen said last week they could make nothing of them. It was not intended they should. There is £41,000 to Samuel Martin, "for secret and special service," between October 1762 and October 1763. Here is "a single line of £171,000 Secret and Special Service," issued to Sir Grey Cooper. Under the same article, £114,000 to John Robinson.[1] £100 a week to Lord Howe and Sir William, as Commissioners for restoring peace in America. Is this to go on for ten years, like the siege of Troy?

Again and again he asked for what these debts were contracted. There is no trace of any debts of the King's Brothers, and yet their incomes are so scanty that the Duke of Gloster can't afford to live in England. There is no outward magnificence—"we have scarcely the appearance of a Court." His Majesty has not had a Scottish rebellion to quell—the revenues have been spent on the Scots, not against them! So Wilkes lashed himself up, until he declared roundly that the money had been spent in buying "the regular ministerial majorities in parliament." "The Crown has made a purchase of this House with the money of the people."[2]

[1] Secretaries of the Treasury.

[2] "The extraordinary revenues of the Crown are, the revenue of Ireland, the duchy of Cornwall, the land revenue within the principality of Wales, the revenue of Gibraltar, American quit-rents, 'now generally lost,' the plantation duties of 4½ per cent., from the Leeward Islands, fines, forfeitures, and many other particulars, which certainly carry the royal income to much above one million a year."

Hence the "ready, tame and servile compliance with every royal edict issued by the Minister. Inward corruption is the canker." This House is allowed to be the most corrupt assembly in Europe. In 1769 it granted £513,511 to pay the King's debts—were the tradesmen's bills then paid, or was the money diverted another way? How about Hine's patent place in the Customs at Exeter, publicly sold, and the money given to General Burgoyne to reimburse him for the expense of the Preston Election? Wilkes moved to consider the causes of the Debt.[1]

North's reply was feebleness itself. He talked about the increased cost of the necessaries of life—£900,000 now not equal to £800,000 in 1742. He was sure Mr. Wilkes did not mean that each individual of the majority was bribed. Could not one have "a temporary pension" and yet "act upon principle"? As for the vouchers not being laid before the House, his "predecessors in office" had taken away all the papers—so "the charge of the accounts being defective, mutilated, or imperfect, must fall to the ground." They had looked everywhere for every document that seemed to be necessary to explain the account—if any were wanting, no blame lay on the Treasury Board—they had given the best account they could.

So the unhappy Minister fumbled on, having in truth nothing to say.

The gentlemen with the temporary pensions and the consciences voted against Lord John Cavendish's motion to refuse to pay, and the House went into Committee of Supply to consider payment of the King's debts and the extra £100,000 a year which the King had asked for. Barré made a savage attack on "a certain race of animals, daily increasing in this country, called Contractors." He said that North encouraged the propagation of this species of the "canine and carnivorous"—he not only tamed and domesticated them—he hunted and sought them. If the contractors for supplying his Majesty's Household did it in the way the American contracts were executed, he wondered the debt was not treble what it was; he was assured that in every single contract since the American war, the public had paid 40 per cent. above the market price. There was great confusion when Sawbridge said the debt had been contracted in corrupting both Houses, some crying to take down his words, others, "Hear him!" Sawbridge repeated his words, and turning upon North charged him with having hired a ruffian (Dignam) to impeach him.

[1] Wilkes referred to Johnson and Shebbeare as "pensioned advocates of despotism."

North's reply was very lame—no money had been paid to Dignam—they were bound to listen to him—his narrative was plausible—he was soon found to be a liar, villain, and impostor. "He assured the worthy alderman that Dignam had no money."

Fox said Walpole was called the Father of Corruption—North was his equal, if not in abilities, in the art of managing parliaments. Rigby's speech was a phenomenon of indecency. He said no accounts ever were given, or ought to be given. He wondered the noble lord wasted his time answering trifling questions—were he Minister he would never answer a private member. Then he turned on Johnstone, who had asked for explanations—that might be the way in the parliament in Leadenhall Street. The conduct of the Company did not encourage imitation of their example—the Company would have been ruined long ago but for the interference of Parliament; it was bankrupt, and on the verge of destruction, till the legislature saved it Now it had got a little the better of its difficulties, it was relapsing, and would be calling for aid. He hoped Parliament would not be imposed on any longer, to trust the affairs of the East to a set of men who had neither ability nor honesty.

To this outrageous attack Johnstone replied warmly that the Company's affairs were managed at least as well before Government interfered—not Parliament; Parliament being only an engine used by Ministers to create a new source of patronage and increase the influence of the Crown. The Company, before it was meddled with, got a great empire—it would be well if the new policy did not lose it. Then he twitted Rigby for talking about the parliament in Leadenhall Street—he should be the last to mention it. Johnstone had seen *him* attending regularly at all the Courts, with his long train of dependants, clerks, and partisans—so if the Company mismanaged their business, the honourable gentleman should have remembered he was one of the prime instruments![1]

In the Lords, Rockingham, in a careful speech, showed that the idea of an hereditary revenue was entirely ill-founded. The King had lost nothing by taking a specific sum—it was more convenient, that was all. The pretended claim set up by Ministers

[1] Wraxall says of Johnstone: "Nature had cast his person in a coarse but vigorous mould, and had endowed him with corresponding or analogous faculties of mind. He possessed a species of ardent, impetuous, half-savage eloquence, restrained by no delicacy of language, yet capable of powerfully affecting his hearers by the display of information, by his energetic appeals to their passions, and even by his gesticulations, which came in aid of his oratory."

had no foundation in truth. He, too, asked where the money had gone, and showed how great were the revenues enjoyed by the King. Then Suffolk rose in a fury to charge Opposition with "detestable, dangerous and unconstitutional conduct." Never had economy been more constantly practised. Rockingham asked if it was unconstitutional to differ from Administration — and brought up Dignam. Spies and informers were paid to forge plots. Suffolk denied he had said "detestable," though in his conscience and soul he believed the conduct of Opposition *was* detestable; and though Dignam was an impostor, he had other proofs that Opposition deserved the public detestation they were notoriously known to be held in.

North had another bad quarter of an hour on May 8, when he was obliged to ask for more money for the insatiate Landgrave of Hesse. That rapacious Prince, not content with the extortionate bargain he had lately made, now had the effrontery to demand £41,820 more, "to make good the Expences of Foreign Hospitals" in the Seven Years' War. Well might North say, as he did when the Budget came on, that "the expences of the war were great." The very recapitulation of them is enough—"Army in America, etc. £648,009. Hanoverians in Gibraltar, etc. £56,074. Hanau troops, £18,000. Ditto Waldeck, £17,000. Do. Brunswick, £93,000. Hessians, £336,000. Provisions for foreign troops, £41,000. Deficiencies ditto, £7000. Artillery do. £48,000. AMERICAN EXTRAORDINARIES, £1,200,000. Hessian chasseurs, £36,000. Hanau ditto, £16,000. Anspach troops, £39,000. Deficiency, Hessian chasseurs, £3000. Total expence of army, £3,773,000. Sufferers in America, £33,000. Commons Addresses, £13,000."[1]

To meet this, and all other charges,—Exchequer Bills, vote of credit, lottery prizes, the £618,000 arrears of the Civil List, and all other expenses of a great Empire,—Administration had as total supplies, £12,592,534. It would not be enough, so North proposed a tax on all deeds "and paper writings sealed"; on male servants, and sales by auction, and a prohibitive duty on foreign glass. North explained that the duties laid on the materials used in the making of glass tended to encourage foreign manufacture, and discourage our own. He therefore proposed to take off these duties, but to put a duty, "nearly equal to a prohibition," on foreign glass—this would give us the whole of the manufacture

[1] This curious item referred to the Addresses which the Americans said showed that the whole people of England were now turned against them. Fox told the House that no King ever had so many Addresses as James II.

—it was sixteen pence a pound on glass, and four shillings a dozen on imported bottles. Thus we shall lower the price of materials, and keep the whole glass manufactory within the kingdom.[1]

North was still optimistic. He scouted the warnings as to France—she is very friendly, and the pirate who took the Harwich packet is laid by the heels at Dunkirk. Fox reminded them that the object of the war was to get a revenue out of America. Were we not sick of it by this time? Who but contractors will benefit? Why not now repeal the tax on tea? We shall never get a shilling. He commented severely on the inhuman conduct of the Hessians, and said that our own troops were almost as culpable.

In the middle of the Debate on the Budget, Hartley proposed an Address to the King entreating him to order a suspension of hostilities. It was not moved, but the allusions to America caused Lord George Germaine to explain to the House why he had said the day before that there was a prospect of a successful end to the war.[2] He thought so, because General Howe's army was now in good order, and more numerous than in the last campaign, while the rebel army was in much worse order and less numerous. Then the fleet was reinforced, and the Americans had changed their minds, from their experience of the misery of anarchy, confusion and despotism, instead of the happiness they used to enjoy—so that hundreds of deserters were coming in daily to Howe. Then Congress had given up, and made Mr. Washington Dictator—which would cause divisions. Then, again, they were disappointed of assistance from France and Spain—not that he denied they had received underhand assistance. They had offered to pay for the protection of France—they had offered France our West India Islands! "There is a love of freedom, Sir!" Then we have great expectations from the army in Canada—it has destroyed the enemy's fleet, and will be able to advance early in the spring, and unite with General Howe's army, adding 12,000 men to it, besides Canadians. And Washington can't keep his army together, even with a £30 bounty—they desert as fast as they are forced to enlist; while

[1] 7s. a hundred on all "spread glass," 14s. on all other window glass, and 3s. 6d. per cwt. on materials used in making common bottles. He computed this tax would bring in about £45,000 a year.

[2] "Lord Shuldham thinks all will go well in America, though the war may be protracted by the little successes of the Americans in the Jerseys."—Hutchinson, *Diary*, March 6, 1777.

Howe has 6000 armed New Yorkers in his army. So that the next campaign is sure to be favourable.

This is the first parliamentary allusion to Burgoyne's unfortunate expedition.

On May 21 the King sent for a vote of credit, and was granted a million to carry on with. The same day the East India Company came once more before the House. It was again in trouble. A very odd situation had arisen—the Council of Madras had arrested Lord Pigot, the Governor, and were keeping him imprisoned. It appeared that the Nabob of Arcot had got Mr. Hastings on his side, and had formed a very strong party in the Council, and a plan to dispossess the Rajah of Tanjore, on pretence that he was in arrears with his tribute. In this debate Fox defended Pigot so ably that the whole House broke into applause.

But the debate which threw all others into the shade was that in the Lords, on May 30, when Chatham appeared—the wreck of his former self, "pale, and grown much older, and had one crutch. His voice was so low that it could not be heard to the end of the House, and little remained of his former fire, though his second speech was more spirited."

Yet his speech reads as though it had been spoken with all the old irresistible energy. It is perhaps more direct, less oratorical than most of his great speeches. It opens with a rush, as though the speaker feared the storm he spoke of might descend within that very hour.

"My lords," he said, "this is a flying moment; perhaps but six weeks to arrest the dangers that surround us. The gathering cloud may break; it has already opened . . . if an end is not put to this war, there is an end to this country. I do not trust my judgment in my present state of health; this is the judgment of my better days; the result of forty years' attention to America. . . . I state to you the importance of America . . . a double market, the market of consumption and the market of supply. . . . America has carried you through four wars, and will now carry you to your death, if you don't take things in time. In the sportsman's phrase, when you have found yourselves at fault, you must try back. You have ransacked every corner of Lower Saxony; but 40,000 German boors never can conquer ten times the number of British freemen; they may ravage, they cannot conquer. . . . You have got nothing in America but stations. You have been three years teaching them the art of war. They are apt scholars. . . . We have tried for unconditional submission; try what can be gained by

unconditional redress! Now is the crisis, before France is a party to the Treaty. . . . Whenever France or Spain enters into a treaty of any sort with America, Great Britain must immediately declare war against them. America is contending with us under a masked battery of France. There is still a moment left—France must be as self-destroying as England, to make a treaty while you are giving her America at the expense to yourselves of 12 millions a year." He moved an humble Address to his Majesty for a speedy stop to the war, "on the only just and solid foundation, the removal of grievances."[1]

All the old things were said on both sides. Gower said numbers were coming in—the majority of the rebels wished to shake off the yoke of Congress. Grafton and the Bishop of Peterborough attributed our misfortunes to the rejection of Penn's petition, in the autumn of 1775, and Peterborough said the Addresses did great harm by making America think we were implacable. Camden reminded them how at first a file of musketeers was to do it—then four regiments—then 10,000 men—now it is 70,000. There was a wrangle as to whether Franklin and Deane were officially received at Versailles. Weymouth declared France had never been more friendly than now. Mansfield said the Americans must feel the superiority of our arms before we could treat—wait till after the next campaign. Then the House divided. Contents (two proxies) 28. Non-Contents (23 proxies) 99.

So they were prorogued, and before they met again the next campaign had been fought, and Burgoyne and all his army were prisoners of war.

[1] Of this speech the King said, "Like most of the other productions of that extraordinary brain, it contains nothing but specious words and malevolence. . . . But, thank God! the nation does not see the unhappy contest through his mirour."—*The King to Lord North, on Chatham's Motion of* May 30, 1777.

In 1775, the King had written: "His political conduct the last winter was so abandoned, that he must, in the eyes of the dispassionate, have totally undone the merit of his former services."—*To Lord North*, August 9, 1775.

EBENEZER PLATT.

Platt was one of eight or ten men who sailed in a schooner from Georgia, by order of the Provincial Congress, to stop Captain Maitland's ship, bound for St. Augustine, in Florida, and take out of her powder and arms. Platt was afterwards, by authority of Congress, engaged in a contraband trade with some of the French or Dutch Islands. Here he was taken, and carried to Jamaica,

where his ship was condemned, and he was sent to prison, on a charge of "corresponding with his Majesty's enemies," several letters having been found in his possession, directed to the Congress "at Georgia and Charlestown." "Nothing material was found against him; but as the carrying on such business with Congresses was a new offence, it was judged proper to send him home to England, with all the letters and papers in question." At Portsmouth the matter was enquired into, "and nothing appearing that would affect either his life or liberty, he was discharged, with an offer of his passage back to America. This he refused; and being (as there are reasons to suspect) properly tutored by the present race of patriots, he attempted to procure a copy of his commitment, in order to proceed against those who had a hand in confining him. Upon his application for this, it was judged proper to commit him to prison, on the evidence of two of Captain Maitland's men, to answer for the charge of treason and piracy committed on board his ship off Georgia-bar, in North America, as the very words of his mittimus set forth."—*Gentleman's Magazine*, 1777, pp. 146–7.

CHAPTER LV

JOHN THE PAINTER: OUR CRIMINAL CODE IN THE EIGHTEENTH CENTURY

"I am confident that every new sanguinary law operates as an encouragement to commit capital offences; for it is not the mode, but the certainty of punishment, that creates terror. What men know they must endure, they fear; what they think they can escape, they despise. . . . Let us reflect a little on this woman's fate.[1] . . . It was for no injury; but for a mere attempt to clothe two naked children by unlawful means. Compare this, with what the state did, and with what the law did. The state bereaved the woman of her husband, and the children of a father, who was all their support; the law deprived the woman of her life, and the children of their remaining parent. . . . Take all the circumstances together, I do not believe that a fouler murder was ever committed against law, than the murder of this woman by law."—*Sir William Meredith on the Bill for the Better Securing of Private Dockyards*, May 13, 1777.

AT this nervous moment, other terrors and dangers shook the nation. Arson was added to our national calamities.

On December 7, 1776, a fire broke out in the upper loft of the rope-house in Portsmouth Dock, and entirely consumed the building. As it was supposed to be an accident, no enquiry was made. But on January 15, 1777, an under-clerk of the dockyard, having occasion to move some hemp, discovered a strange-looking object, "about the size of a half-pound tea canister, but resembling a candlestick." On each side of the candle was a place for matches, and the bottom was a cavity full of spirits of wine. The thing was so contrived that the matches would have burnt down to the spirits in four channels. The bottom was of wood. The matches had been lighted, and were nearly burnt low enough to set the spirits on fire; but they had gone out too soon —probably because too much hemp had been piled above the "machine," and there was not enough air. If the fire had caught, the stores in the store-house close by were enough to have rigged fifty ships.

It became obvious that foul play was at work. "The whole dockyard was alarmed. Some hundreds of workmen were instantly

[1] Mary Jones, see p. 470.

drawn together, and everyone looked at his neighbour," convinced that whoever put the thing there had caused the fire of the 7th. Everybody set to work recollecting, and presently it occurred to one of them that a fellow had been locked into the rope-house the night before the fire; another remembered that an unknown man had been seen loitering about the yard on the very day. Others said he was a painter, and had worked in the neighbourhood, and as he had never been seen since the fire, he was suspected, and advertisements were issued, describing one "John the Painter"—the only name by which he was known, and offering £50 if he would come forward to be examined, and the same sum to any who should apprehend him.

Meanwhile other fires broke out—particularly at Bristol—where the ships *Savannah La Mar* and *Fame*, lying at the quay, were wilfully set on fire in the night (apparently of the very day when the "machine" was discovered at Portsmouth), and all the other ships, and all that part of the town, were in great danger. There was also an attempt to fire the *Hibernia*; and a box of combustibles had been planted in a warehouse in Crane Lane—broken into for the purpose. The town offered £500 and his Majesty's pardon for the discovery of the incendiaries. On Sunday the 19th there was another great fire, in the warehouse of "Mr. A. Brown, bookseller," in which the warehouses on one side of Bell Lane were entirely consumed. About the same time a quantity of combustibles was found on the quay, among a number of oil-barrels—here, too, the fire had burnt out with no damage. Bristol began to think itself marked out for destruction—the damage already amounted to £15,000. The citizens took to patrolling the streets—after which there were no further attempts. The King promised his free pardon and £1000 to any person who would discover his accomplice, and the town offered £500 more. There was now £1500 on the head of John the Painter. It began to be believed that "American Agents" were being employed "to spread fire and devastation throughout the kingdom."

Meanwhile Sir John Fielding had found means to trace John the Painter, and at the beginning of February he was arrested at Odiham, for a burglary, and brought to London. It was reported that he had been in America, and had worked there as a painter, and Lord Temple sent "one Baldwin, a painter, who had likewise been in America," to attend his examination before Fielding. But Baldwin said he had never seen the man before in his life. As other witnesses had sworn falsely against John, he expressed a wish

to see Baldwin again, and Baldwin was encouraged to visit him as often as possible, to bring him to confession. After seeing Baldwin once a day—and sometimes twice—for a fortnight, John began to trust him and to speak openly. He told him he had been in France, and had seen Silas Deane, and Deane had given him money to set fire to the British dockyards—especially at Portsmouth, Plymouth, and Woolwich—as the best means of distressing Great Britain. As "an earnest of what should follow," Deane gave him a recommendation to and bills upon a merchant in London for £300, but these John had found it necessary to burn to prevent discovery. He said he had procured a passport "from the French King," which passport "he lamented he had left at Portsmouth, with other things, in a bundle." From France he went to Canterbury, and there devised the machine found in the hemp-house. Here he had a quarrel with a dragoon. From Canterbury he went to Portsmouth, and prepared his combustibles. He disclosed to Baldwin the secret of the composition, and the way to apply it; told how he had been locked into the rope-house; how he had quarrelled with his landlady for interrupting him in his operations, how she forcibly turned him out of her house; how he took another lodging; how he could not light his matches, and bought others; how he fled from Portsmouth in a woman's cart. These particulars were confirmed at his trial. The boy who made the canister, the dragoon, the landlady at Portsmouth, the man who let him out of the rope-house, the persons who saw him in the yard, the woman who sold him the matches, and the woman who took him up in her cart, all testified; last of all, the bundle actually contained the passport from France. He was tried at Winchester, and was hanged at the gate of Portsmouth Dockyard, "on a gallows 60 feet high."

Before he was taken from Winchester, he made a confession. His real name was James Aitken. He was born at Edinburgh in 1751, the son of a blacksmith. He became a painter. "Curiosity" led him to Virginia in 1772; he left America in 1775, and enlisted in the 32nd Regiment—deserted, re-enlisted in the 13th, and again deserted. Then he followed his trade of painter in Birmingham and other towns. At Tichfield, in Hants, he "conceived the first idea of setting fire to the dockyards." He went to France, and applied to Deane, who told him "when the work was done, he should be rewarded." After firing the rope-yard, he went to London, and saw Dr. Bancroft, to whom he had a verbal recommendation from Deane, "but the Doctor gave him no countenance." By his own account he told Bancroft he would do all the harm he

could to this kingdom, but the Doctor not approving, John said he hoped that he would not inform against him. After this he took to robbery in the intervals of arson. He had no accomplices —his villanies were his own. Silas Deane's promise to reward him did not prevent George III from bribing Deane himself.

John the Painter was hanged because it was death to fire a royal dockyard. On the 13th of May a Bill was brought in "for the better securing and preserving" of all dockyards, whether public or private. They were to be secured by making firing them a hanging matter too. The debate is worthy of notice. Mr. Combe said that many crimes far less heinous were punished with death; and if John the Painter had burnt all the warehouses and ships of Bristol, he would not have been hanged. To this Sir William Meredith replied in a speech which may perhaps have influenced Romilly in his efforts at reforming our Criminal Code. Meredith did not think the punishment of death "at all useful in the prevention of crimes." He doubted whether hanging "ever did, or can, answer any good purpose." "The cruel exhibition of every execution-day is a proof that hanging carries no terror with it." What men think they can escape, they despise. "The multiplicity of our hanging laws has produced two things: frequency of condemnation, and frequent pardons." As our laws are actually administered, "not one in twenty is executed," so each man thinks he will be the one to get off. And what an example the executions give! The hardened villain is looked on "with envy and admiration";[1] while a penitent thief makes "a sober villain," oppressed with want, think that at the worst he too can die penitent, "the punishment will be short, and the reward eternal." Even in crimes that are never pardoned, death is no prevention—house-breakers, forgers, and coiners, are sure to be hanged, yet these are the very crimes that are oftenest committed. Strange it is, that in the case of blood, where we ought to be most tender, we still go against reason and experience. "A recent event has proved, that policy will do what blood cannot do. I mean the late regulation of the coinage. Thirty years together men were continually hanged for coining, still it went on, but on the new regulation of the gold coin, it ceased."

[1] "Wednesday, April 2, 1777. James Frankling, for robbing Mrs. Harvey and two other ladies was executed at Maidstone. This was the highwayman who, after having robbed the ladies, returned, and, putting his body into the coach to kiss them, was seized by the coachman, and apprehended. He behaved in a most undaunted manner at the gallows, placed the rope about his neck, and threw himself off the ladder with a force as if to pull his head off."

Since then an Act has passed making it treason to coin silver —but we hear of it more than ever! By this "nickname of treason," there lies in Newgate at this moment, under sentence to be burnt alive, a girl just turned of fourteen; at her master's bidding she hid some white-washed farthings behind her stays, on which the jury found her an accomplice in the treason. "The master was hanged last Wednesday, and the faggots all lay ready for her; no reprieve came till just as the cart was setting out—the girl would have been burnt alive on the same day, had it not been for the humane but casual interference of Lord Weymouth." Good God! Sir, we are taught to execrate the fires of Smithfield—are we lighting them now to burn a poor harmless child for hiding a white-washed farthing? And yet this barbarous sentence is brought as a reason for more hanging and burning! I was asked the other day to bring in a Bill to make it treason to coin copper!

Meredith then told a terrible story about the Shop-lifting Act—passed to protect bankers' and silversmiths', and other shops where there are commonly goods of great value. ("When a member of parliament brings in a new hanging law, he begins with mentioning some injury to private property, for which a man is not yet liable to be hanged, and then proposes the gallows as the infallible cure.") The Shop-lifting Act made it death to lift anything off a counter with intent to steal. Under this Act, one Mary Jones was executed. It was at the time when press-warrants were issued on the alarm about the Falkland Islands. "The woman's husband was pressed, their goods seized for some small debts of his, and she, with two small children, turned into the streets a-begging. It is a circumstance not to be forgotten that she was very young (under nineteen), and most remarkably handsome. She went to a linen-draper's shop, took some coarse linen off the counter, and slipped it under her cloak; the shopman saw her, and she laid it down: for this she was hanged. Her defence was (I have the trial in my pocket), that she 'lived in credit and wanted for nothing, till a press-gang came and stole her husband from her; but since then she had had no bed to lie on; nothing to give her children to eat, and they were almost naked, and she hardly knew what she did.'" The parish officers testified to the truth of her story; and her neighbours gave her a good character, and signed a petition on her behalf. But there had been a good deal of shop-lifting about Ludgate—an example was thought necessary—"this woman was hanged for the comfort and satisfaction of some shopkeepers in Ludgate-street." When she received sentence "she behaved in such a frantic manner, as

proved her mind to be distracted; the child was sucking at her breast when she set out for Tyburn."[1]

Some, said Meredith, are perhaps blaming the Judges, the jury, and the hangman—but they are only ministerial agents—"the true hangman is the member of parliament"—he "who frames the bloody law is answerable for all the blood that is shed under it."

Then he showed how the Mosaic Law ordered restitution—four and fivefold, but only if the thief came by night was it lawful to kill him. If he came by day, he was to make restitution, and if he had nothing he was to be sold. "This is all that God required in felonies." Only the Draconian code can be compared with ours. Draco said that petty crimes deserved death, and he knew "nothing worse for the greatest." But Solon repealed all except death for murder.

"A few years ago a friend of mine tried to repeal some of the most absurd and cruel of our capital laws." The Bill passed this House, but was rejected by the Lords, "as an innovation." But "these hanging laws are themselves innovations." No fewer than three and thirty of them passed during the last reign. Treason, murder, rape, and burning a dwelling-house were all the capital crimes by our good old common law. Even in case of murder, if compensation could be made, the next of kin could discharge the prosecution, and it could never be revived. If the ravished woman chose to marry the man, she could save him, even from under the gallows. But so have we deviated from the benignity of our ancient laws, that "there is now under sentence of death an unfortunate clergyman (Dr. Dodd) who made satisfaction for the injury he attempted—the satisfaction was accepted—but the acceptance and the prosecution bear the same date."

The Bill was eventually dropped.

[1] There are some inaccuracies of detail in Meredith's account, but they do not affect his argument. His speech was thought so important that it was reprinted by the Society for studying Criminal Law.

CHAPTER LVI

IN NEW YORK

"Among other mischiefs, we are pestered with stories of the wisdom and virtue of the rebels."—*Letter from an Officer at New York*, Feb. 14, 1777. (Almon.)

"Our army moulders away amazingly. Many die by the sword, many by sickness brought on by the bad provisions we have had from Ireland, others by the inclemency of the weather. . . . I wish Government would look after the contractors, for without we are supplied with wholesome necessaries of life, it cannot be expected we shall long fight their battles."—*Letter from New York*, Dec. 3, 1776. (Given in Almon's *Remembrancer.*)

"We are contending in the noblest cause that can enlarge and exalt the human heart. Let the magnanimity of our conduct be proportioned to the nobleness of our pursuits. . . . We are forming a national character. . . . *Hoc idem providendum est, patres conscripti, . . . neu magis iræ quam famæ consulatis.*"—*Speech of an unnamed member of Congress, against a motion to treat Scotch prisoners "with the utmost severity, as the rancorous abettors of this inhuman war."*

By the spring of 1777 Washington was inundated with French officers, who seldom brought more than a commission and a passport, and who all expected to be instantly made field-officers. Washington did not know what on earth to do with them. He did not wish to offend them, but neither could he offend his own officers by putting the Frenchmen over their heads. One of them had calmly asked for the command of the artillery—no doubt considering himself more competent than an ex-bookseller. Deane seems to have sent out many of these people. Among them was a Colonel Conway, an Irishman, who said he had been thirty years in the French service, and was a Chevalier of St. Louis.

There were others, whose names America has never let die—Kosciusko, Pulaski, Steuben, Kalb, and the very young Marquis de Lafayette, a boy of nineteen, who left his girl-wife to come and fight for liberty. Washington was so charmed with him, that he took him into his "family," as aide-de-camp.[1]

[1] With a want of delicacy only excusable on the score of extreme youth, Lafayette had had himself presented to George III just before he went to fight

Louis XVI still "broke into a passion" when he heard of help given to American rebels; but he could not restrain the nation. Lafayette went off in direct disobedience to an order of the King —sailing in a transport he bought himself, when the American Commissioners told him American credit was too low to do it. With him came the veteran de Kalb—who in 1775 was sent by de Choiseul to America to see how the land lay. This time, too, de Kalb's errand was partly political. He was a sort of emissary from the Count de Broglie, who had thoughts of offering himself to the Americans, in case they wanted a temporary Stadtholder (after the pattern of William of Orange), to set things going for them till they could manage for themselves. But America was poor, and the Count's terms were high, and in addition he asked a princely annuity for the rest of his life.

From the heights of Morristown, Washington so far dominated the country that Cornwallis had to write to *General* Washington, to ask permission to send money and stores to the Hessians captured at Trenton, and a surgeon and medicines to the wounded at Princeton. Washington replied that no molestation would be offered to the convoy by the regular army under his command, "but he could not answer for the militia, who were resorting to arms in most parts of the State, and were excessively exasperated at the treatment they had met with from both Hessian and British troops."

The last words refer to circumstances which had changed the whole tone of public opinion in New Jersey. It is beyond doubt that both the Howe brothers were not merely not rancorous—they were kindly disposed towards the Americans, and had publicly avowed this kindness before hostilities commenced. We have seen that Howe's constituents charged him with violating his conscience and his pledges in accepting the American command. Sir William was self-indulgent, and loose in his morality, but he was not cruel. The Admiral was a man of far higher type—stern, just, incapable of fear or littleness. His sailors called him "Black Dick," for his sombre looks. He was deeply attached to Franklin, and continued to address him as "My worthy Friend," even when in arms against him. He had shed some iron tears when he found there was no hope of reconciliation. He was in no way responsible for the policy which turned friends into foes in Jersey—the blame of it must lie with the savage instructions of Germaine, and Sir William Howe's criminal weakness. Ministerialists in England and loyalists in America freely charged both brothers with treachery,

against him! The unsuspecting King offered to let him inspect the dockyards, but Lafayette had sufficient sense of propriety to decline this!

for not crushing the rebels when they might have done so. It is true that there were occasions, especially in 1776, when General Howe, if he had pushed his advantage, could have destroyed Washington. But the same thing could be said of many other wars; and it must be remembered that war depends almost entirely upon knowledge of the enemy's movements. Washington was almost always far better informed than Howe—one has but to read the despatches to see this. And if Washington's army was weak, his positions were always strong—except at New York, where he obeyed the civil Government against his own better judgment.

The behaviour of the British in New York—a city on the whole favourable to them—was outrageous. The arms on carriages were defaced, and the arms of the plunderers substituted. Even the King's pardon was not respected. An officer of high rank took forcible possession of the carriage and horses of a gentleman who had been pardoned. The Hessians, said this witness, thought that all Americans had forfeited all. General de Heister offered to sell the house lent him for his quarters by a loyalist! The furniture of loyalists suffering imprisonment among the rebels was sold by auction in New York![1]

Howe proclaimed that all stores of provisions should be considered as magazines of the enemy. The amount of provisions a family might have in the house was so restricted that people must have been put to great straits in providing themselves. But all this was as nothing. It was the conduct of the army on its march which cured Jersey of her British sympathies. It could not have been better contrived if it had been expressly intended to prevent all possibility of the reconciliation we were always talking about.

Howe's Proclamation promised protection to all who took the Oath of Allegiance, and stayed quietly at home. On this the loyal inhabitants raised two brigades, and thousands took the oath. Howe immediately published their names, to show how many adherents the King had—thus pointing them out to the vengeance of the Whigs, already exasperated by outrages committed by the loyalists in arms. He refused to arm them unless they would

[1] Judge Jones, a staunch loyalist, tells how the British behaved to their friends in Long Island. A loyalist gentleman of fortune and character had a horse, a descendant of the famous Wildair. An English cavalry officer saw and fancied the animal, told its owner to dismount in the middle of the road, and hand over the horse to his own orderly, bidding him thank his stars that he was allowed to keep his saddle.—Jones, vol. i. chap. vi.

actually enrol themselves. Then he marched on, and they were plundered by the King's troops. He had issued a proclamation that "all salted and meal provisions, which may be judged to exceed the quantity necessary for the subsistence of an ordinary family, shall be considered as a magazine of the enemy, and seized for the King, and given the troops as a saving for the public." No wonder the Hessians thought that all America was forfeit. They plundered Whig and Tory alike. They stripped man, woman, and child, carried off every horse, cow, pig or fowl they could find; and when the maddened people began to form bands to waylay the marauders, an order was issued to Count Donop to hang to the nearest tree any civilian who fired on the army. Nor was this the worst.

Dreadful things were done by the troops under Cornwallis. At Pennytown, sixteen young women, who had fled to the woods, were followed and caught and carried off. One man saw his wife and only daughter ravished—the daughter a child of ten.[1] Another girl of eighteen was taken from her father's house and carried to a barn, where five of these brutes were waiting. The Tories themselves were not spared—every American who fell in with the soldiers—men, old women, infants—all were stripped to their shirts. Farmhouses were burned, windows and doors smashed, and everything carried off. A blind old gentleman near Pennytown was stripped of everything. "Yesterday," says one witness, "they burned the elegant house of Daniel Cox, Esq., at Trenton Ferry." Cox was a loyalist and supporter of Toryism! The people became so exasperated that "they are flying to arms." "One of the most respectable gentlemen of Woodbridge heard his most lovely daughter shrieking," and found a British officer outraging her. The infuriated father instantly killed the ravisher, when two other officers rushed in and fired two balls at the father, "who is now languishing under his wounds."

Such is a contemporaneous account; and it is borne out by the evidence of Major-General Robertson before the House of Commons, in 1779. There was, he says, "much plundering, which lost us friends, and gained us enemies." Howe forbade it, but it went on. Robertson says he first saw the bad effect of plundering in Long Island—it must therefore have begun at once. The Hessians had been promised they should make their fortunes in America, and "they acted on that principle." "Nothing was left

[1] "This he, choaked with grief, told his friend, who told me."—*Account given by an Officer of distinction in the American Army*, printed at Philadelphia, by order of the Council of Safety, January 4, 1777.

alive on farms." He had heard about the twenty-two waggons full of plunder, restored to their owners by Washington, after Trenton. Asked if it was possible to prevent plundering, Robertson said that he himself had found it was. At Rhode Island he hanged a man for it, and there was no more. "I always considered the great object of the war to be the regaining of the people, and to accomplish this by proving to them that we were their friends." There is something very ironical in the methods taken by the King and Lord George Germaine to prove to the Americans that we were their friends. On those two men must lie the original guilt and disgrace of these enormities. Their own letters are there to prove it. By the time Washington marched back from Trenton, the Jersey brigades were disbanding, and the whole population had turned against the British.

Having so many officers among his prisoners (fourteen British officers were taken at Princeton, besides the Hessians at Trenton), Washington tried to exchange some of them for Lee—offering five Hessians for him, and even proposing that Lee should only be exchanged on parole not to take active service. But Howe refused, and talked of trying Lee as a deserter — whereupon Washington sternly replied that if this were done he would retaliate upon the British and Hessian officers in his hands. He refused to consider any exchanges till Lee was recognised as prisoner of war. Howe then remembered that Lee had publicly resigned his half-pay—and therefore quitted the British service—before enlisting with the rebels. Strange to say, Lee was never ill-used, as were so many American officers; he was even allowed to communicate with his rebel friends. His tone to Washington was now very different, and he was begging to be exchanged.

Washington's first care, after recovering the Jerseys, was to strengthen the Northern army, lest Carleton should try to re-take Ticonderoga, as soon as he could cross Lake Champlain on the ice. He was sorely in need of men. He wrote in these days that Congress thought "it is but to say, presto begone, and everything is done." The situation in the North was rendered more acute by jealousies and enmities. Schuyler was unpopular with New England, because as a Commissioner for the New Hampshire Grants he had stood out for the rights of the New Yorkers. So Massachusetts held back from supporting him, and then, when Canada was lost, laid the whole blame upon him. Schuyler, a proud and sensitive man, demanded an enquiry, and wished to resign, but Congress insisted on his remaining. The whole story, with Gates' intrigues to supplant him, is discreditable

to all concerned, except to Schuyler himself, and to Washington, who always stood by him.

Throughout all the early part of 1777 efforts continued to be made for an exchange of prisoners. In February Franklin and Deane wrote to Lord Stormont, proposing to exchange one hundred British seamen taken by an American privateer for one hundred American prisoners in England. Stormont did not reply, so in April the envoys wrote again; then Stormont answered only—

"The King's Ambassador receives no applications from rebels, unless they come to implore his Majesty's mercy."

The state of the prisoners in New York was frightful. The horrors of the Sugar House, the Jersey Prison Ship, the brutalities of Provost Marshal Cunningham, have passed into American history, as the Black Hole of Calcutta has into ours. All the denials of Lord and General Howe cannot outweigh the testimony of Washington, and the dreadful proof afforded by the mortality. It was never even pretended that there was any conspicuous mortality among British prisoners of war; nor did any British commander ever assert that he received his men back in evil case. To Sir William Howe's insolent letter, twitting Washington with the sickness in his own army, Washington might have replied that they too were suffering from cold and hunger. But there was no such mortality among the Americans in arms, severe as were their sufferings. While in the four months after the fall of Fort Washington, 1500 American prisoners of war died in New York.

It is not from the despatches of Howe that we get any idea of the true state of affairs. Howe writes that New York was "almost without inhabitants" when he entered—now, such is the people's eagerness to return to his Majesty's government, that there are 11,000. The ships have remained at sea during the whole winter, and have taken 200 prizes. Lord Cornwallis has surprised and defeated the enemy at Boundbrook. Very different is the impression produced by private letters[1] of the same date—the end of April! Private letters are full of the "disagreements and factions" in the army, and of hints that Sir William Howe had lost the confidence of his best officers. Through the winter he had played heavily with the younger ones. Other scandals there were, connected with ladies who had better have been left at home. Howe was accused of extreme indolence and inattention to business, and many said that supreme command had spoiled him.

From these accounts we also learn that the troops at New

[1] Very many of these letters are given by Almon. Others are preserved in the American Archives.

York and Amboy are very ill of dysentery, "which carries off numbers of them daily.[1] The country round Amboy is a perfect desart for several miles, owing to a proclamation issued by General Washington, in March, ordering all the provisions and forage in Jersey to be removed out of the province, and all that was not, to be destroyed. Had this been done at the beginning of winter, General Howe would not have had a horse alive. General Howe cannot take the field till the end of May. Very few Americans have joined General Howe; at the utmost they are not five hundred; the people who have joined him are refugees from Boston, people who have been driven out of Virginia, etc., chiefly Scotch and Irish, and some English. They are formed into 13 regiments of 300 each. During the months of March and April, the King's army are reckoned to have lost near three thousand men in Jersey." (Of course this includes those lost by sickness.)

The writer of this letter is evidently one of the discontented officers. He complains of Howe's partiality for Cornwallis—this is "what gives disgust." This and this only occasioned Lord Percy to leave the army—"he saw himself given the post of a brigadier-general," while Cornwallis had the post of a lieutenant-general. The writer goes on: "Lord Cornwallis surprised a little post at Boundbrook, but did not think proper to stay; he returned as fast as he could to Brunswick. And the provincials in turn surprised his post at Bonum town. These circumstances afford a very unpromising prospect of conquest; as they shew, that whenever any parties of the King's troops are sent out, they can stay but a few minutes . . . lest the country should be alarmed, and their retreat be cut off."

A "letter said to be written at New York," is given in the *Gentleman's Magazine* for April, 1777, as "if not true, plausible." It is chiefly about the Hessians, and must have been written by someone well informed about them. At first there was little communication between them and the English. The English "rather affected to despise the thriftiness of the Hessian prudence, as a something base and sordid." The Hessian, "naturally fierce," returned the disdain, and called our men unsoldierly for going to war in so "volatile a spirit." They talked as though they were going to do it all. Howe let them—Knyphausen in particular putting them forward; and then they began to complain that everything was put upon them. "They had, indeed, from the beginning, considered themselves pretty much at free quarters in an enemy's country, and it is not easy for you to conceive

1 "Other particulars brought by a transport," etc.—*Remembrancer*, 5, 152-4.

the quantity of plunder they had collected: their very men were, some of them, as it were, rich, and they took excellent care of what they had got; the unthrifty manner of our people left them exposed to a thousand inconveniences that the Hessians were strangers to." The Hessians thought they "were to have allotments of land in the very first province that was conquered"—the writer does not know whether this was "a recruiting tale," or whether (as some say) it was really suggested to Heister—anyway, it made the Hessians eager to get into the Jerseys. When they were disappointed of an immediate settlement,[1] they revenged themselves upon the country. It "was certainly ravaged at a high rate." The rebellion seemed crushed — the Americans "trembled at the very name of a Hessian." The terror they raised "is inconceivable." The loyalists "lived in our quarters hated by us as rebels, and despised by their countrymen as traitors." "Here you see us in triumph, without an enemy, masters of a delightful country." But now "the general antipathy between us and the foreigners appeared without a mask. . . . They considered the country as their right. The increase of their plunder was their only care; they would not move without it." In vain Howe "exhausted his temper in reasoning"—as ill-luck would have it, they were just then in arrears of pay, and "want of pay and good discipline are incompatible." And the ill example spread to the English. Moreover, Howe soon found that the submission of the rebels "was all feigned." Many who had sworn allegiance deserted, and those who remained were only waiting to go. But the Hessians were paid somehow, and reduced "to a proper temper." Firmer discipline, too, was established among our own people—though as to this, "opinions differed widely; it was thought unreasonable to be over exact in an enemy's country." And then suddenly Washington came, and after this "all our evil humours grew into rank disorders." "My surprise is rather that we keep what we do, than that we have had some losses." Not that the writer will admit any "wisdom" in the rebels. "His first attempt with a handful of men, was, I own, a spirited thing; he happened to succeed; he came into a country of friends, and one success led to another." It was the wealth of Philadelphia that created the army, "not the wisdom of Washington." And, after all, if we could now act with our whole force, they could not stand against us, but

[1] The Americans also made offers. Addresses in German were wrapped round the tobacco the Hessians got, offering them tracts of land if they would abandon the ignominious service to which their Sovereign had sold them.

the experiment would be just now too dangerous. The whole gist of this letter is that the Hessians had better be got rid of. "Would to God we were all British, and spoke the same language, and had the same heart, the Rebels would soon listen to reason."

Every letter and account mentions plunder. The whole army is alleged to have caught the thirst from the Hessians. One letter says, "there is nothing so common as to see the soldiers' wives, and other women, who follow the army, carrying three or four silk gowns, fine linen, etc., taken from the houses on the march, or where they last slept. Many of the soldiers have got watches, which they have stolen in the same manner."[1] The writer even accuses some of the officers—"the considerable remittances which they have made to England," are urged as proofs of the gain they have made by plunder. After charging the army with "innumerable ravishments" of wives and daughters of farmers, the writer continues: "These cruelties and robberies have irritated the Americans beyond the possibility of expression, and have put peace totally out of sight. And as to conquest, it is ridiculous, unless the army was at least three times larger than it is, to be stationed in every place it conquers."

Provisions in New York were dearer than ever—beef, 14d. a lb. "by the quarter"; mutton and veal, 18d.; butter, 4s. 1d. "a scant two-pound roll"; milk, 7d. a quart; bread "very dear"; small cabbages, 7d. to 10d. each; five eggs for 7d.; wood, 45s. the cord; coals, three guineas and a half per chauldron, and "before got in, half a guinea for carting, etc., more."

Rumours from the Northern army had begun to reach them, and the same writer exults in the knowledge that the Six Nations are assembling, "to cure the New Englanders, who have caught the itch of rambling towards their country."

Just at this time—before the great misfortunes and the great victory which were so soon to attend the American cause—one of these private letters gives a terrible description of the condition of American prisoners of war in New York. The writer says he had it from "a person of veracity" just come out of the city. "They are allowed but 3 ounces of salt pork per day, which they are frequently obliged to eat raw; and three pounds of bread per week. The humane and compassionate (for such it seems there are even among Tories) are debarred from affording them the least assistance; and they are insulted and abused in the grossest and most illiberal manner." This was to force them to enlist in the British service.

[1] "Other Particulars," etc.

An account printed about this time in the *New London Gazette* gives the prisoners' own story of their treatment after being taken at Long Island. "They were robbed of all their baggage, and of whatever money they had, though it were paper, and could be of no advantage to the enemy, of their silver buckles, knee-buckles, etc., and many were stripped almost naked of cloaths, especially those who had good cloaths were stripped at once, being told, *that such cloaths were too good for rebels.* . . . They were unable to shift even their linen, and were obliged to wear the same shirts for three or four months together, whereby they became extremely nasty and lousy. . . . They were in the first place put on board the ships, and thrust down into the hold, where not a breath of fresh air could be obtained, and they were nearly suffocated for want of air; particularly some who were taken at Fort Washington . . . in such numbers that even at the cold season of November, they could scarcely bear any cloaths on them, being kept in a constant sweat. Yet these same persons . . . were of a sudden taken out, and put into some of the churches in New York, without covering or a spark of fire . . . the consequence was, that they took such colds as brought on the most fatal diseases, and swept them off almost beyond conception.

"Besides these things, they suffered extremely for want of provisions, and even water. The Commissary pretended to allow them half a pound of bread, and four ounces of pork, per day; but of this pittance they were much cut short. What was given them for three days, was not enough for one day, and in some instances they went for three days without a single mouthful of food of any kind. They were pinched to that degree, that some on board the ships would pick up and eat the salt which happened to be scattered there; others gathered up the bran which the light horse wasted, and eat that mixed with dirt and filth as it was. Nor was this all, both the bread and pork which they did allow them, was extremely bad; for the bread, some of it was made out of the bran which they brought over to feed their light horse, and the rest of it was so mouldy, and the pork was so damnified, being soaked in bilge water, in the transportation from Europe, that they were not fit to be eaten by human creatures, and when they were eaten were very unwholesome. Such bread and pork as they would not pretend to give to their own men, they gave to our poor, sick, dying prisoners."

We doubtless see here the sequel to the voyage of Colonel Barré's hogs, and to the unsaleable flour worked off by enterpris-

ing contractors on the British Army—these provisions now found their legitimate use in poisoning the enemy.

"Nor were they in this doleful situation allowed a sufficiency of water. One would have thought that water is so plenty and cheap an element, that they would not have grudged them that. . . . The water allowed them was so brackish, and withal nasty, that they could not drink it until reduced to extremity. Nor did they let them have a sufficiency even of such water as this.

"When winter came on, our poor people suffered extremely for want of fire and cloaths to keep them warm. They were confined in churches, where there were no fireplaces. . . . Wood was allowed them only for cooking their pittance of victuals; and for that purpose very sparingly. They had none to keep them warm even in the extremest of the weather, although they were almost naked, and the few cloaths they had left were thin summer cloaths. Nor had they a single blanket, nor any bedding, not even straw, allowed them, till a little before Christmas. . . .

"At the time that these were taken on Long Island, a considerable part were sick of the dysentry, and with this distemper on them were crouded first on board of the ships, afterwards into the churches in New York, three, four, or five hundred together, without any blankets, or anything for even the sick to lie upon, but the bare floors or pavements. In this situation, that contagious distemper soon communicated from the sick to the well. . . . Of this distemper numbers died daily, and many others . . . contracted fevers and died of them. During their sickness with these and other diseases, they had no medecine, nothing soothing or comfortable for sick people, and were not so much as once visited by any physician by the month together.

"Nor ought we to omit the insults which the *humane* Britons offered to our people, nor the artifices which they used to induce them to enlist into their service, and fight against their country. . . . It seems that one *end* of their starving our people, was to bring them by dint of necessity to turn rebels to their own country, their conscience, and their God; for while thus famishing, they would come and say to them, 'This is the just punishment for your rebellion,—nay, you are treated too well for rebels,—you have not received half you deserve, nor half you shall receive; but if you will *inlist* into his Majesty's service, you shall have victuals and cloaths enough.'

"As to insults, the British officers, besides continually cursing and threatening at them as rebels, often threatened to hang them all; and at a particular time ordered a number to choose each

man his halter, out of a parcel offered, wherewith to be hanged; and even went so far as to cause a gallows to be erected before the prison, as if they were immediately to be executed. They further threatened to send them all to the East Indies, and sell them there for slaves. . . .

"In this situation . . . no wonder that they all became sickly . . . no wonder they died by scores in a night. And those who were so far gone as to be unable to help themselves, the workings of their distemper passing through them, as they lay, could not be cleansed for want of cloaths; so that many lay for six, seven, or eight days in all the filth of nature and of the distemper, till death, more kind than Britons, put an end to their misery.

"By these means, and in this way, above fifteen hundred Americans, who had nobly gone forth to the defence of their injured oppressed country . . . died in New York: many of them were very amiable promising youths, of good families, the flower of our land. And of those who lived to come out of prison, the greatest part, so far as I can learn, are either dead or dying: their constitutions are broken, their stamina of nature worn out, they cannot recover, they die. . . .

"I shall subjoin the manner in which they buried those of our people who died.—They dragged them out of their prison by one leg, or one arm; piled them up without doors; there let them be, till a sufficient number were dead to make a cart-load; then loaded them up in a cart; drove the cart thus loaded out to the ditches made by our people when fortifying New York, there they would tip the cart, tumble the corpses together into the ditch, and afterwards lightly cover them with dirt.

"By these things, we learn the temper of our enemies. . . . Where, in all history, can we find an instance of more horrid treatment of prisoners? Even the famous instance of Calcutta is not to be compared with this: that respected a few, only 140; this, more than 3000; that was finished in one night; this was continued for four or five months; that appears to have been either inconsideration or sudden heat of passion; this must have been the effect of cool reflection and a preconcerted system. . . .

"The prisoners we have taken, have enjoyed liberty to walk and ride about within large limits, at their pleasure; have been fully supplied with every necessary, and have ever lived on the fat of the land. . . . And this generous treatment, it is said, they could not but remember; for when they were returned in the exchange of prisoners, and saw the miserable, famished, dying

state of our prisoners, conscious of the treatment they had received, they could not refrain from tears."[1]

Those who lived to come out were such wrecks that when Washington saw them he refused to give an equal number of his own well-fed prisoners for them. He wrote to General Howe to remonstrate on this treatment of prisoners. The reply excites wonder at Howe's reputation for humanity. "To what cause a speedy death of a large part of them is to be attributed, I cannot determine. How is the cause of debility in prisoners to be ascertained?"[2]

Towards the end of April an exchange was effected, but Howe still would not give up Lee; and only by reiterated threats of retaliation did Washington prevent his being sent to England. Germaine, at the King's instance, was always writing to demand him.

It was just now that Congress gave deadly offence to Brigadier-General Arnold by not including him in a new batch of Major-Generals. Washington thought it must be an oversight, and entreated Arnold to wait patiently till he could get it remedied. Arnold demanded an enquiry—when it appeared that no slight was intended, but as Connecticut already had the two Major-Generals, to which her contribution entitled her, he had been passed over. Washington observed that this was "a strange mode of reasoning." Presently happened Tryon's expedition to Danbury, when Wooster and Arnold led the militia, and made so gallant a resistance that Tryon was glad to get back to his ships as soon as possible. After this Congress gave Arnold his step, but he had lost his seniority, and the thought rankled in his breast, although Congress voted him a horse to replace the one shot under him at Danbury.

[1] The prisoners, about a thousand in number, who were imprisoned in England, suffered greatly, though not as these. They too were often given the choice of being hanged or enlisting in the British Army. It does not appear that many of them enlisted, nor that any of those who refused were hanged—a wholesome dread of reprisals had been instilled by Washington into the British mind, and as these reprisals would of a surety fall partly on the German troops, and Frederick and Maria Theresa were already talking of permitting no more Germans to be sent to America, it was necessary to be careful.

[2] Letter of Sir William Howe to General George Washington, New York, April 21, 1777.

CHAPTER LVII

"MR. LEE'S PLAN"

"If they can't act offensively, but want to keep a footing, there are strong reasons to think they won't shut themselves up in towns, but take some tract of country, which will afford them elbow-room. I HAVE PARTICULAR REASONS to think they may cast their eyes on the lower counties of Delaware and Maryland." — *General Lee to General Washington*, June 1778.[1] (Given in Moore's *Treason of Charles Lee.*)

THE military operations of 1777 decided the issue of the struggle. Before Saratoga the Americans were rebels engaged in an insurrection whose fate often seemed to hang on a thread; after Saratoga they were Independent Belligerents, acknowledged by two great European Powers as Sovereign States. These operations are therefore of extreme interest and importance; and the interest is increased by the mystery which hangs over them.

Who was to blame for Burgoyne's fiasco? When that unfortunate general was to be made the scapegoat for the disaster, there remained the awkward question: Why did not Sir William Howe meet him at Albany? The idea of a junction between the Northern army and Howe's was no secret — it was known in America as soon as it was known in England. It was indeed so obvious a movement that neither Sir Henry Clinton nor Washington could bring themselves to believe it was not the real intention.

Most certainly it was the first intention. Howe's own plan was for a march up and down the Hudson, ending in the junction at Albany, and the sweep of the whole country from Canada to New York. "This," wrote Howe in the winter of 1776–7, "would put those Independent Hypocrites between two fires, and open the door wide for the Canadian army." But suddenly, in a secret despatch of April 2, Howe totally relinquishes the idea of any serious offensive movement, except to southward. He tells Germaine that the Jerseys must be abandoned, and Pennsylvania invaded by sea. His letter to Carleton of April 15, written in a

[1] Just before the evacuation of Philadelphia.

very confident tone, says that he has entrusted to a special messenger "information of too delicate a nature to commit to paper, and of the utmost importance in favour of the Northern army advancing to Albany."

All who were capable of judging condemned the Southern Expedition—"absurd," "fatal," are words freely used of it, and this not after the event but before the Expedition started. A copy of Stedman's *History* contains some marginal notes believed to be in the hand of Sir Henry Clinton. One of these says, "I do not think a man in the army except Cornwallis and Grant did not reprobate the movement to the south, and see the necessity of co-operating with Burgoyne." And when we consider that the Northern Expedition was an old idea—older than the war—suggested by Carleton, as soon as an appeal to arms became probable—the sudden abandonment of it—and of the unhappy Burgoyne—is inexplicable. The extraordinary story of the forgotten despatch fully explains why Burgoyne carried out his part of the original plan, and Howe did not carry out his; but it leaves it as great a mystery as ever why Howe ever thought of doing anything but meet Burgoyne.

Howe's despatches show that a great deal was left to his own discretion. It is also certain that the Pennsylvanian plan was Howe's and not Germaine's. In his despatch of June 3, speaking of his intention to open the campaign by a movement in the Jerseys, "where the enemy's principal strength still remains," he adds: "and I shall proceed, as occurrences may arise, according to the plan made known to your Lordship in my former despatches." This shows that it was Howe who made known the plan to Germaine, and not Germaine who sent the plan to Howe. At the same time Germaine must have known that Howe would not be able to co-operate with Burgoyne if he went south. On July 15 Howe writes that he has heard Burgoyne is before Ticonderoga; and "later intelligence" leaves no doubt the fort has fallen; but not a single word in this despatch betrays that he supposes his own movements are now to be in any way dependent on those of Burgoyne.

Howe had a reason for the change of plan. When his conduct was enquired into, in 1779, he rested his defence on two grounds—one, that he was given a full discretion as to what movements were advisable; and that he never received any despatch from Lord George Germaine, suspending this discretion, and explicitly ordering him to go north to meet Burgoyne; *the other reason was that he had received certain information during the last winter, from a*

provincial officer, which led him to suppose that the whole State of Pennsylvania was ready to rise for the King. This officer was said to have been in Philadelphia, but his name was never known. Is it necessary to suppose he really was in Philadelphia? What if he were in New York, a prisoner? The mention of New York would then become extremely unadvisable—suspicion would infallibly be directed to General Charles Lee, and there were the strongest reasons for not allowing the Americans to suspect he was betraying them. Whether, however, there were two traitors or only one, during this winter, while Washington was straining every nerve to obtain Lee's release, Lee was planning the ruin of the American cause.

In all probability Washington saved Lee's life, by refusing to exchange any prisoners until Lee was recognised as a prisoner of war, and by threatening that if Lee was sent to England the British and Hessian officers in his possession should go into close confinement. By Germaine's order, Lee was three times put on a ship for England, but Washington's letter arrived and he was relanded. It would not do to offend the Germans!

In his captivity Lee was "usually writing," and on the 29th of March, 1777, he laid before the Howes a "plan of reconciliation."

This plan still exists in Lee's own handwriting, and is endorsed "Mr. Lee's plan." It begins with an apology. Lee believes that America has no chance of success—and success, if she obtained it, would be her ruin. But she must give in in the end; and if Great Britain has suffered very heavily in making her submit, it will be the worse for her. So being convinced that Lord and Sir William Howe will be as moderate as their powers allow—and also convinced that these powers are more ample than they may as yet make known—he feels bound in conscience to furnish "all the lights he can."

Sir William Howe had asked for 15,000 more men, to "finish the war in a year"; and the chief part of the small reinforcement given in answer had been sent with Burgoyne to Canada, whereupon Howe had written to the Secretary of State that his force was insufficient, and that "the northern expedition must expect little assistance from him." It is therefore rather a curious coincidence that "Mr. Lee's plan" is formed for the force which Howe actually had with him. "I will suppose," says Lee, "that besides the troops in Rhode Island, General Howe has 20,000 men fit for service." Here he digresses to express his belief that the taking of Philadelphia will have no decisive consequences—Congress will adjourn, and meet somewhere else; he adds

significantly, "they look to Europe." The thing to be done is to "unhinge or dissolve the whole system or machine of resistance, or, in other terms, Congress government." This system depends on the disposition of the provinces of Maryland, Virginia, and Pennsylvania. If Maryland is reduced, and Virginia prevented from marching to help Pennsylvania, "the whole machine is dissolved." The difficulty of passing and repassing the North River will keep the New Englanders at home—it is not worth while to meddle with them; it is enough to protect Rhode Island and New York from their incursions. Fourteen thousand men will be more than enough to clear the Jerseys, and take Philadelphia. Let four thousand more go, half of them up the Potomac and take Alexandria, and the other half up Chesapeak Bay and take Annapolis. These two posts are easy to take, and once taken can easily be made very strong; and they are only an easy day's march apart. The Germans will come in rather than "see their fine farms ravaged." (Frederick County in Maryland, and York County in Pennsylvania were all German.) Then proclaim pardons.

Thus Lee's plan was to paralyse the heart of the Middle States.

It is not surprising that Howe contented himself with talking vaguely of the "provincial officer" who misled him with regard to Pennsylvania. The immediate result of the southern expedition was the utter ruin of the northern, and the capture of an army; the final result was the evacuation of Philadelphia, and the abandonment of whatever had been gained by two pitched battles and a score of skirmishes. By 1779 it was obvious to every man in England that Howe had gone south on a fool's errand. He had given up a good plan for a foolish one. He would not have made matters better by confessing that he had listened to Charles Lee against the judgment of every officer in the British army.

CHAPTER LVIII

GENERAL BURGOYNE

"It may be asked in England, 'What is the Admiral[1] doing?' . . . That he is *not* supplying us with sheep and oxen, the dinners of the best of us bear meagre testimony. . . . He is *not* employing his ships to keep up communication and intelligence with the King's servants . . . for I do not believe General Gage has received a letter from any correspondent out of Boston these six weeks. He is intent upon greater objects, you will think . . . he is doubtless . . . laying the towns in ashes that refuse his terms? Alas! he is not. British thunder is diverted or controlled by pitiful attentions and mere Quaker-like scruples."—*General Burgoyne to Lord George Germaine*, Boston, Aug. 20, 1775.

"Accustomed to felling of timber and to grubbing up trees, they are very ready at earthworks and palisading."—*Reflections upon the War in America*, Burgoyne (summer of 1775).

MEANWHILE much had happened in Canada.

General Burgoyne was sent to Quebec in the early summer of 1776—going from England, whither he had returned in the autumn of 1775—to act as second in command under Governor Carleton, in driving the American invaders out of Canada. So gloomy seemed the prospect of affairs, that in a pamphlet, written just before leaving England, Burgoyne speaks as though he supposed it quite possible that Quebec had fallen. He found the town very much knocked about. Anburey says that many houses had been destroyed for fuel, or to prevent their harbouring the besiegers; others were damaged by shot and shell; while the lower town had been set fire to and almost destroyed by the Americans, when they found they could not hold it. The inhabitants had been compelled to live in the cellars of their houses during the siege—"the only place that could afford them the least shelter." All agreed that only the extraordinary exertions of General Carleton had saved the town.

With the troops sent out with Burgoyne, the British army in Canada numbered 12,000 men, of whom about a third were Hessians or Brunswickers. Burgoyne's record as a soldier was not important, but it was very romantic. He entered the army

[1] "The Admiral" was Samuel Graves. He was soon recalled.

early—then ran away with the Earl of Derby's daughter, and lived for some years on the Continent, as he was too poor to live in England in the style befitting his wife's rank.[1] When the Seven Years' War began, he re-entered the service, took part in the attack on Cherbourg in 1758, and in the unfortunate expedition against St. Malo in the same year. In 1759 he was selected to form the two regiments of light dragoons, which were the first light cavalry introduced into British armies, and the corps was spoken of as "Burgoyne's Light-Horse." He took part in both the expeditions against Belle Isle in 1760. In 1762 he went to Portugal with the contingent sent by England to defend that country from Spain and France, who wished to force her to give up her neutrality, and enter into their alliance against England. In this campaign Burgoyne took the town of Valentia d'Alcantara by a very bold *coup-de-main*, riding into the square at sunrise before the garrison dreamed that an enemy was near.

In civil life Burgoyne had also distinguished himself, had written one or two tolerable plays—one of which was rather successful—and had made some figure in the House of Commons. On a few occasions he had voted with Opposition, but was a supporter of Administration on the question of America. He spoke and voted against repealing the tea-duty. He had taken a very great part in the enquiry into the affairs of the East India Company, and had done his best to expose the iniquities of Clive's administration. He was vain, and somewhat frivolous, but he had the instincts of a soldier and a gentleman, and showed a disregard of worldly advantage where honour was concerned, which goes far to atone for many of his weaknesses. He perhaps owed his present appointment as much to Germaine's hatred of Carleton as to favour to himself. Carleton had offended Germaine—who never forgot or forgave—by declining to take upon his staff an incompetent *protégé* of the Minister's, and only the favour of the King prevented Carleton's immediate recall. Burgoyne himself was not very eager for a military appointment in America. He considered negotiation to be his *forte*, and had tried hard to get the Ministry to make him Tryon's successor at New York—he was convinced that he could have "united that province in loyalty and obedience," if he might have gone there as Governor in 1775 with but three or four regiments.

He had with him a large staff of distinguished officers. Seldom has a General had one more brilliant. He had several English

[1] In France Burgoyne formed a lasting friendship with the Duke and Duchess de Choiseul.

and Scottish lords, four members of Parliament, and more than thirty of his British officers afterwards became general officers. Phillips, his second in command, commanded the British artillery at Minden, and was thanked in Prince Ferdinand's General Orders next day. Brigadier-General Fraser—of the Lovat family, but not, as has been supposed, a son of old Simon Lovat—was one of the rising officers in the army. Major Acland, the hot-headed Somersetshire Squire, who used to make violent speeches in Parliament against the rebels, was a brave and generous man, adored by his young wife, who had followed him to the war. Kingston, once of Burgoyne's Light-Horse in Portugal, was now his Adjutant-General; and not the least excellent of the officers was Lieutenant Schank, a Scot, already the inventor of the centre-board, who had come to make the floating bridges which would be wanted if the army was ever to get to Albany. Of the German officers, the chief was General Baron von Riedesel, a trusted officer of Prince Ferdinand; and under him, Colonel Baum and Colonel Breymann.

There were soon to be others—stranger figures—the strangest La Corne St. Luc, the old Auvergnat frontier-fighter, who began his career by leading the Iroquois against the English—scalping them as opportunity offered. He was now in the English service, a Legislative Councillor, strongly opposed to the Quebec Act. He was in command of the Ottawas. (It is odd that English accounts always call them "Savages," while the Americans usually say "Indians.") Second under St. Luc was another strange figure—Charles de Langlade, the same who led these very same nations against poor Braddock on the dreadful day by the Monongahela.

The regiments were even more distinguished than the officers—they were among the most famous in the British Army. The 21st (Royal North British Fusileers) fought its first battle at Bothwell Brig, in 1679, and had been in nearly every important action since. The 20th began service at the Boyne, and several others went back to Queen Anne.

At first all went well. Thompson's daring attack on Three Rivers—on the 8th of June—failed ignominiously; Fraser defeated and took him prisoner. Arnold was obliged to abandon the camp at Sorel, and all that he and Sullivan could do at St. John's and Chamblée was to destroy what they could not carry away. The camp at Isle-aux-Noix was so unhealthy that sickness broke out, and Sullivan crossed Lake Champlain to gain Crown Point. The battle must now be by water. Both British and Americans set about getting ready a flotilla to dispute the mastery of Lake Champlain.

Lieutenant Schank built the *Inflexible* at Quebec. Then she was taken apart and carried to Chamblée, then on to St. John's,[1] and there put together again. Her keel was laid the second time on September 2, and by sunset of that day she was as far advanced as she had been at Quebec. Three hundred carpenters had been sent for to New York, and though only half the number came, they worked at such a rate that sometimes trees that in the morning were growing were forming part of a ship at night. Carleton had parts of vessels sent from England. Other boats were dragged overland, or up the rapids of the Sorel, and the Canadian farmers were compelled to help. If a British fleet could get the command of Lakes George and Champlain, the north of New York State would be at their mercy. Before winter the army might be at Albany, and the rebellion would be cut in two. But first, Ticonderoga and Crown Point must be taken, and the utmost exertions could not get the fleet ready before the end of September. When it was ready there were from twenty to thirty sail in all. Carleton's flag-ship, the *Inflexible*, mounted eighteen 12-pounders—the rest were gun-boats, a gondola and a flat-bottomed vessel, called a "radeau," and named the *Thunderer*, with a battery of six 24-pounders, and twelve 6-pounders, besides howitzers. He had with him 700 seamen. Burgoyne, as yet only second in command, went with him. Captain Pringle superintended the naval operations.

Arnold had stationed his little fleet under cover of Valcour Island, in the upper part of a deep channel, between the island and the mainland. He had three schooners, two sloops, three galleys, and eight gondolas—carrying in all 70 guns, many of them 18-pounders. On October 11 the British ships, sweeping on with fair wind, had passed the island before they saw him—anchored across the strait. Pringle hauled close to the wind, and tried to beat up the channel, but the wind was against him and the largest ship could not enter. Arnold was on board his own largest galley, the *Congress*. Leaving his line, he advanced with the other two galleys, and the schooner *Royal Savage*,[2] hoping to deal with the smaller British vessels before the larger could come up. About noon the British opened a brisk fire, which was returned. In trying to return to the line the *Royal Savage* ran aground. The crew set her on fire and abandoned her. In about an hour Pringle brought all his gun-boats in a line across the channel. The ships were now within musket-shot.

[1] St. John's, on the Richelieu, 27 miles south-east of Montreal.

[2] She was a captured British ship.

A large body of Indians had been landed on the island to gall the Americans from shore—their fire did not prove very formidable, but their war-whoops added to the fury of the fight. It was a desperate one, and Arnold was in the hottest of it—encouraging his men, and often pointing the guns himself. So they fought till evening, when Pringle called off the smaller vessels, and anchored his squadron across the channel as near as possible to the Americans, to prevent their escape. But the night was dark and cloudy — Arnold slipped out through the British line, each vessel following a light in the stern of the one ahead. By daylight the flotilla was out of sight. But Arnold was compelled to anchor off Schuyler's Island—ten miles up the lake—to repair damages. Here he sunk two gondolas, damaged past patching. About noon he resumed his retreat, but the wind was now adverse, his sails were shattered, and his galley and others fell astern in the course of the next night. So in the morning, when the sun dispersed the fog that lay on the Lake, they saw the British fleet in full chase, only a few miles behind—and their own consorts nearly out of sight, making for Crown Point.

Arnold managed to get within a few leagues of Crown Point before he was overtaken by the *Inflexible*, the *Carleton*, and the *Maria*. They poured in a tremendous fire. The *Washington*—already shattered in the battle of yesterday — was obliged to strike. Arnold fought on, till one-third of his men were killed. Then he ran his five shattered ships on shore, and set fire to them—remaining on board the *Congress* till he was sure the British would not get her colours—when he took to the woods with the remnant of his men. They reached Crown Point that night—narrowly escaping an Indian ambush. Arnold's other vessels were there, but, seeing that it was impossible to hold Crown Point, he burned all the stores and set sail for Ticonderoga.

Carleton took possession of the ruined fort, but it was too late now to cross Lake George before winter—his plans had to wait till next year.

CHAPTER LIX

THE EVACUATION OF THE JERSEYS

"They, in plain English, are turning me into a kidnapper."—*The King to Lord North*, Nov. 14, 1775.

"We have undertaken a war against farmers and farm-houses, scattered through a wild waste of continent."—A. B. (Quoted by Almon.) Written before the American account of Trenton arrived.

"What a dreadful thing it is for such a wicked little imp as man to have absolute power."—*Walpole to Conway*, June, 1776.

WHEN, early in the spring, General Howe had asked for 15,000 more men "to finish the war in a year," Germaine thought this too many—"persons well-informed on the spot" had told him so. He promised 4000 more Germans, and told Howe this would make him 35,000 strong, so his army "would still be equal to his wishes." Howe was very angry—especially as Germaine sent these reinforcements by way of Canada. He wrote that the army would be too weak for rapid success, that the campaign could not begin as early as his lordship expected, and *that the Northern army must expect little help from him.* All the private letters agree in saying that no one knew where Howe's army was going—for once a secret was kept. At the end of May, Washington's spies informed him that a fleet of one hundred sail had left New York and stood out to sea—also that eighteen fresh transports had arrived with troops in a foreign uniform. They were the Anspachers. Howe had been waiting for them, and for remounts, and tents, and for the grass to grow.

A reinforcement of British troops came with the Anspachers. The German levies were falling off, both in quality and quantity—the Duke of Brunswick's last consignment was so bad that Faucit would only take 222 of them. He wrote, "I hardly remember to have ever seen such a parcel of miserable, ill-looking fellows collected together." The terrible Landgrave found 1449 men to replace those taken at Trenton, and 300 who had died at New Brunswick at the end of winter, of "a putrid epidemic." The Prince of Waldeck got together a scratch collection, picked up in his own domain or kidnapped from his neighbours—20 Waldeckers,

23 Suabians, 91 from Cassel, and so on; and kept them locked up in the Schloss of Hamelin lest they should desert. Germany was getting tired of the grenadier-market, and several Princes were refusing passage, and even claiming the recruits as their own. The Anspachers had so little stomach to the fight that they could not be trusted to carry their own weapons—they had to be driven by armed jägers; and at Ochsenfurt-am-Main, where they were to embark, they tried to bolt, and several were shot down in an orchard by the jägers. Some of the details of the infamous affair would be incredible if they did not rest on the testimony of the contrivers of the business. The Catholic Princes in particular discouraged the service; and the two most powerful Sovereigns of Germany, Frederick the Great and Maria Theresa, were resolving to put a stop to it. There could be no stronger proof that Great Britain was exhausting her own resources than this desperate attempt to buy up fighting-men from anywhere and everywhere.

But the King had allies more fatal than these. He was now sending detailed orders for the enlistment of Indians in Canada —by their help operations were to be "extended." The only difficulty was that the Indians wanted their own leaders. They preferred fighting without any white men looking on, and raising objections to their methods of practising the art of war. Germaine, by the King's command, was urging greater severity; the King wanted Boston and the other ports of New England to be destroyed by the fleet. But "Black Dick" did not care for this sort of fighting.[1]

Towards the end of May "a great stir among the shipping" was reported to Washington. It was evident that some important movement was preparing—but what? No one knew where the British were going. It looked like an expedition by water. Washington, who had been planning "a stroke" for Putnam—the surprise of Fort Independence—was obliged to give up all idea of it, and concentrate his whole attention on the Jerseys. Was Howe going up the Hudson to co-operate with Carleton and Burgoyne? This seemed to Washington so obviously the thing to do, that he could not bring himself to believe Howe meant anything else. Or would he at last try for Philadelphia? For

[1] When Lord Howe was plagued by Englishmen settled in the Southern Colonies who had been stripped, and applied for letters of marque to cruise against the rebels, he sternly replied, "Will you never have done with oppressing these poor people? Will you never give them an opportunity of seeing their error?" He gave great offence by this. Eventually letters of marque were granted.

this, too, Washington must be prepared. So far as he could, he strengthened all his posts, and ordered all his General officers to be on the alert. Already he had sent Greene, Knox, and Wayne to examine the fortifications of the posts in the Highlands. These generals were all for a boom, or chain—to go across the Hudson from Fort Montgomery to Antony's Nose, and be protected by two ships and two row-galleys. Putnam also had a great fancy for booms and obstructions. Washington did not much believe in them—he was rather for looking to the passes. In particular, to one pass which he had noticed last year—"a wild and rugged pass on the west side of Hudson, round Bull Hill, a rocky, forest-clad mountain at the entrance of Peekskill Bay." He thought it most important to see that the enemy could not take possession of this pass, before the garrison of Fort Montgomery could assemble to oppose them. That Fort was so important—a Major-General's post—that Washington had offered it to Arnold; but Arnold declined—he must be in Philadelphia to settle his accounts, for his enemies had put about reports touching his integrity. So Washington gave him a letter to the President of Congress, bearing witness to his military character, and countenancing his complaints.[1] He appointed Brigadier-Generals George Clinton and McDougall to the command of the Forts, and towards the end of May removed his own camp to Middlebrook, ten miles from Brunswick,[2] to a strong position among the hills behind the village. It commanded a wide view of the country—the road to Philadelphia, and the course of the Raritan. Howe could not move without his knowing it. Washington's whole force was now about 7500 men, from all States south of Hudson, formed into 48 regiments and 10 brigades.

It was believed in New York that Howe was going to bring off Cornwallis, "who begins to be closely pressed by Mr. Washington on all sides." The writer of a private letter says that Howe was greatly chagrined at being obliged to leave Jersey; "it was the darling wish of his heart to march through Jersey to Philadelphia"—no doubt to wipe out the memory of his disappointment in 1776. The writer adds, "No one can tell where General Howe intends to go." He is not sanguine, though he does not think Washington can do anything. Howe "may ravage, and desolate the country for a little while, with impunity; plunder farms, burn villages, etc., but all this is no permanent advantage. The country

[1] The Board of War found the charges against Arnold false and slanderous; but his seniority was not restored.

[2] Cornwallis had his headquarters at Brunswick.

force will be collected, and he will be again driven to his ships." All which happened exactly as the writer describes. He concludes, "There is not a sensible man in the army in America, who does not reprobate all the *notions and nonsense of conquering* that *immense country*."[1]

The army was furious when it found that Jersey was to be evacuated. That "arch-plunderer," de Heister, asked for leave, and was going home—in such a huff that he asked to be excused coming to London. With him went several other Hessian officers. Another private letter says that Howe left New York "full of anxiety, grief, and vexation." The Scots in his army had formed a faction; they professed to be offended because Howe did not fight Mr. Washington; but what they meant was that they were disappointed of the plunder they had reckoned on in marching through Jersey. "Their example has infected the English soldiery," says the writer; "the army in general is become a banditti of robbers." "Howe is daily abused in the several prints under ministerial direction by the different Court writers, who are kept in constant pay for this and other dirty purposes." Everybody remembers how Gage used to be abused by the papers here when he was in Boston. "The Scotch in America and the Scotch in England perfectly understand each other." This writer says Howe wanted to wait for the return of General Robertson[2]—who took to England his despatch of February 12. "But the Scotch were clamorous. He was afraid to disoblige them."

A later letter throws more light on the "Scotchmen." "For some time past," says a writer, who dates "New York, Aug. 8," "the demand for goods of all sorts, and the high prices given for them, has made the fortunes of those who brought out cargoes with them. This lucrative traffic has been confined to a few favourites, chiefly Scotchmen. It was thought the British prohibitory Act would have prevented the arrival, in America, of all British goods; but so far from it, that Act has thrown the *whole* trade into the hands of a few, who make a monopoly of it. But the departure of the fleet and army, which has carried off 24,000 people, soldiers, sailors, and attendants, together with a proclamation issued out, prohibiting all intercourse with the Jerseys, has made trade very dull of late." By this time beef was "1s. 9d. sterling" a pound, and other articles in proportion.

[1] *Remembrancer*, vol. v. pp. 363-4.

[2] "By whom he expected *orders*, or at least very *interesting advices*." This statement appears to have reached England on September 9, 1777. — *Remembrancer*, v. 364 and 366.

Howe had made up his mind to give up the Jerseys, and go to Philadelphia by the long sea-route, but he did not mean to leave Washington behind. He must draw him into a general action, and crush him. By June 6 he was moving most of his troops into Jersey. "We shall have warm work of it," writes someone from Amboy. On the 12th, he was at Brunswick. The next night he went out in force—as though pushing for the Delaware—but halted near Somerset Court House. Washington reconnoitred—he feared this was to lure him out of his camp, but he meant to hang heavily on Howe's rear. Meanwhile he sent word to Arnold, now commanding in Philadelphia, to be ready to oppose an enemy's force to westward.

Four days the armies looked at each other, each waiting to be attacked. Washington had been reinforced by the New Jersey Militia, but Howe was still two to one. He made several feints, as if to pass the camp and go on to the Delaware, but Washington was not deceived—he was sure Howe would not go there until he had struck a blow at the Provincial Army, and he remained on his heights. On the 19th Howe suddenly returned to Brunswick, burning several "good houses" on his way. Next day Washington heard from Schuyler that he had caught a British spy, and learned that Burgoyne was arrived at Quebec to lead an invasion from Canada. A force of British, Canadians, and Indians was to march to the Mohawk and take up a post between Fort Edward and Fort Stanwix. If this was true, Ticonderoga would soon be attacked, and Schuyler asked for reinforcements. Washington sent word to Putnam at Peekskill to hold four New England regiments ready.

On the 22nd Howe marched out again, but this time he went towards Amboy—burning as he went, and Greene and Morgan harassing his rear. When Washington found he had really sent his heavy baggage and some of his troops over the bridge of boats to Staten Island, he came down to Quibbletown—six or seven miles on the road to Amboy—to be nearer his advanced parties. Stirling, with his division, was at Matouchin Church, nearer the British lines. Howe now thought he had gained his object—a general action at great odds. He formed in two columns—Cornwallis leading one, and he himself the other, and marched back by two different routes towards Quibbletown. But in Jersey Washington always had timely information of any movement of the British—in itself a proof of the disposition of the province. When Howe came up, Washington was already again in his fortified camp on the heights above Middlebrook, and had secured the passes. There was a smart skirmish between Cornwallis and

Stirling, near Quibbletown—it is noteworthy that Howe's despatch says Stirling's artillery was "well-disposed," and "the enemy inclined to resist"; but the Provincials lost three field-pieces, and the affair is represented as a victory. But Howe had learned by experience what it was to advance through a hostile country with Washington hanging on his rear. He returned to Amboy, broke up his camp, and crossed the floating bridge to Staten Island, and so to the old camping-ground in New York Bay. The ships moved down round the Island. The British had evacuated the Jerseys.

They seemed determined to be remembered. A letter written by one of Washington's general officers, and printed at the time, says, "Their cruelty to the inhabitants is beyond the powers of human utterance to express; not content with plundering, they ruined and defaced every public edifice, particularly those which were erected and dedicated to Almighty God." This letter says the British ran from Brunswick, at one in the morning, "leaving their blankets, camp-kettles, waggons, etc.," and "we took possession of the town in less than 15 minutes."[1]

And now preparations were pushed on with all speed for the great expedition. By the 5th of July Howe had begun to embark his men—the army furious at the abandonment of Jersey, and everyone who knew where they were going dead against the plan. On the 10th, General Prescot (the same who put Ethan Allen in irons at Quebec) was surprised in his bed, at his headquarters in Rhode Island, by a small party of Rhode Islanders—much as Lee had been captured six months before. Having now caught an undoubted general, Washington immediately offered to exchange him for Lee, whom the British still persisted in regarding as a sham one. A little before Prescot had set a price on Arnold's head, as though he had been a highwayman, and Arnold had retaliated by setting a lower price on Prescot's head. Now Prescot was captured ignominiously, and it became more inconvenient still to retain Lee.

Howe did not entirely ignore Burgoyne—he had written to both Germaine and Carleton that the army which was to advance from Canada "would meet with very little assistance from him." He had proposed to leave Sir Henry Clinton only 3000 men, but Clinton had said that if the Provincials knew what they ought to do, they would attack New York as soon as Howe was gone; so Howe sent him back 6000 more—for they were already embarked. Howe sailed on the 24th July, for no one knew where—not even

[1] Given by Almon.

all his own officers. Just before he started he received a despatch from Burgoyne to say he had taken Ticonderoga, and was coming down to Albany. Howe replied that he had ordered Sir Henry Clinton to make a diversion; and set sail.

Howe had spared no pains to keep up Washington's fears to the last—as late as July 22 he sent a floating battery and some transports up the North River, "but they came down again time enough to sail at the tail of the fleet." They had attained their object, for Washington detached a large body of his own army over the North River.

The last British sail had hardly disappeared round Staten Island, on the 24th of July, when Washington heard from General St. Clair—now in command at Ticonderoga—that a British fleet was on Lake Champlain, and Burgoyne, with the whole Canadian army, was advancing up the lake to Ticonderoga.

Washington was now in a terrible dilemma. He knew but too well the importance of Ticonderoga, and had sent Kosciusko to superintend the improvement of the fortifications. St. Clair—a Scotsman who had seen service in the Old French War—was confident. There was a general belief that with anything like a garrison Ticonderoga was impregnable—and St. Clair had 3000 men. This movement of Howe's might be a feint to engage Washington's attention, while the main army got round by sea. Or if Burgoyne really meant to break through by Ticonderoga, Howe must be co-operating with him; then all the puzzling movements in Jersey had only been to give time for Burgoyne to arrive, and by moving nearer Philadelphia Washington would leave Howe free to go up the Hudson, and seize the passes of the Highlands—so opening the way for Burgoyne. On the other hand, if Washington went to Peekskill to guard the passes, he opened Howe's way to Philadelphia. And Washington's own conviction now was that Philadelphia was the point aimed at. Deserters from Howe brought word that the transports were taking in three weeks' provisions, and were being fitted up with stalls over their main-decks for the reception of horses. This looked as if a longer voyage were intended than up the North River.

Washington wrote all this to Congress, and did his best to be prepared for either contingency—ordering two more brigades to Peekskill, calling out the militia, and sending word to Schuyler to remove all cattle and vehicles from the districts through which Burgoyne might pass. He also sent warnings to the Eastern States, and even to South Carolina, that Howe was at sea with

his army. He himself removed to Morristown, to be half-way between the two points he must guard. Then he gave the Jersey Militia leave of absence to get in their harvest.

Hardly was the British fleet well out of sight the second time, when he received fresh news from Canada—St. Clair had evacuated Ticonderoga, and disappeared into the woods with his whole army!

Many a Commander would have despaired. But Washington was of the old Roman temper, which thought despair a sin against one's country. He did not pretend that the calamity was not great—incomprehensible—but he refused to condemn St. Clair till he knew more. Meanwhile he said, "*We should never despair.* Our situation before has been unpromising, and has changed for the better, as I trust it will again. If new difficulties arise, we must only put forth new exertions."

Of course Schuyler was blamed—it was even said he had ordered the evacuation. The disasters of the invasion were raked up, and everything was laid to Schuyler's charge. It was almost hinted that he was a traitor. Schuyler demanded an enquiry. Then it was said that, whether he was to blame or not, he was unpopular in the Eastern States—and this reason influenced many who were not otherwise his enemies. After long debates, Congress sent for both Schuyler and St. Clair to go to Head-quarters to account for the disasters in the North, and Washington was requested to appoint a general to the Northern army. The Adamses entreated him to appoint Gates, as likely to restore order and discipline; but Washington excused himself—the Northern command was separate; Congress ought to make the appointment. Congress thereupon appointed Gates.

And now Washington had his own case to think of. He was convinced Howe meant Philadelphia, but all his doubts vanished when a young man brought him an intercepted letter from Howe to Burgoyne, saying he was going to Boston. Washington at once marched to the Delaware, and on July 30 was only thirty miles from Philadelphia. He was still puzzled. Howe's abandonment of Burgoyne appeared to him so unaccountable, "that I cannot help casting my eyes continually behind me." Next day, however, it was certain. He heard that the British fleet of 228 sail had been seen off the Capes of Delaware, and instantly sent word to Schuyler that he would have only Burgoyne to deal with. He himself moved to Germantown, six miles from Philadelphia—and next day again he heard the British Fleet had sailed out of the Delaware, and

seemed to be going east. Now once more he feared it must be the Hudson.

Washington waited for days at Germantown, in the utmost anxiety. The heat was intense, his army was harassed with marchings and countermarchings. Just as he thought that Howe must really be gone east, and had begun his march to recross the Delaware, an express overtook him, on August 10th, with the news that three days before the British Fleet was seen sixteen leagues south of the Capes of Delaware. Always dreading a feint, Washington sent to Putnam, bidding him send spies to ascertain whether Clinton really was in New York, and what troops he had. He also sent Morgan and 500 riflemen to the Northern army —to deal with the Indians in their own way. Thus he was trying to keep back Burgoyne with one hand and Howe with the other.

He was again so long without hearing more of Howe that he thought the British must be gone to Charlestown. He had just determined to try "a stroke" on New York (having first asked for the approval of Congress), when intelligence came that the British Fleet had entered the Chesapeak, and anchored at Swan Point, at least two hundred miles within the Capes of Virginia. It was a strange route to go to Philadelphia, but Howe had heard that the navigation of the Delaware had been obstructed, so had come up the Chesapeak, that great arm of the Atlantic which runs through the heart of Maryland.

Now, at last, Philadelphia must be defended. All the divisions of the army were summoned, the militia of Pennsylvania, Delaware, and North Virginia were called out. As there had been much disaffection—or loyalty—in Philadelphia, and the popular cause had been represented as hopeless, and Washington's army as a mere handful, he marched them all through the city—"down Front Street and up Chestnut Street." Great pains were taken to make this an imposing display. The army marched to military music, and, "to give them something of a uniform appearance," they had sprigs of green in their hats. Lafayette describes them as, "eleven thousand men but tolerably armed, and still worse clad . . . in this party-coloured and half-naked state, the best dresses were hunting shirts of brown linen. . . . They were arranged without regard to size, except that the smallest men were the front rank; with all this, there were good-looking soldiers conducted by zealous officers." John Adams criticised them more severely—he thought they did not step quite in time, or hold their heads quite erect, nor turn out their toes quite as much as they

ought. This brisk little lawyer had the soul of a martinet; he had a large mind, but a narrow heart, full of little jealousies. He wavered between involuntary tributes to the greatness of Washington's character, and something which bordered on detraction. His idea of war was a series of brilliant actions. "Washington is very prudent," he wrote peevishly. "I should put more to risk, were I in his shoes; I am sick of Fabian systems. My toast is, a short and violent war." But as Chairman of the War Board, he did not see to it that Washington had the means for shortness and violence. He was much too fond of raising regiments on paper—he thought that the instant Congress had voted eighty-eight battalions, they would spring full-armed out of the furrows.

In spite of the rags, and the sprigs of green by way of uniform, the Philadelphians were surprised to see how like a real army it looked—the pioneers with their axes, the trains of artillery, the trumpets, and the fifes and drums. The army marched on to Wilmington, where the Brandywine falls into Christiana Creek. And now came a piece of good news—Stark had totally routed the Hessians and Indians at Bennington, and—though of course this was not yet known—Burgoyne's fortune had turned.

CHAPTER LX

THE BATTLE OF THE BRANDYWINE

"Because you lived in a little country, where an army might run over the whole in a few days, and where a single company of soldiers might put a multitude to the rout, you expected to find it the same here. . . . Were you to garrison the places you might march over . . . your army would be like a stream of water running to nothing. . . . Suppose our armies . . . were immediately to disperse, and engage to reassemble on a certain future day; it is clear that you would then have no army to contend with, yet you would be as much at a loss in that case as you are now: you would be afraid to send your troops in parties . . . and while you kept them together, you could not call it a conquest . . . when we returned at the appointed time, you would have the same work to do that you had at first."—Paine (*The American Crisis*, iii. *to Lord Howe*).

"Their principal dependence is not upon their arms, I believe, so much as upon the failure of our revenue. They think they have taken such measures, by circulating counterfeit bills, to depreciate the currency, that it cannot hold its credit longer than this campaign. . . . We must disappoint them by renouncing all luxuries. . . . General Washington sets a fine example. He has banished wine from his table, and entertains his friends with rum and water. . . . The example must be followed by banishing sugar and all imported articles from our families."—*John Adams to his Wife*, Philadelphia, Sept. 1, 1777.

CALMS and contrary winds kept Sir William Howe long at sea. It was the 30th before he arrived off the Capes of Delaware —to find that both horses and men were unfit for active service. If he could have marched at once, he might have taken Philadelphia then and there—Congress, in a panic, was preparing to fly a second time. But he was obliged to rest his army, and in the meanwhile he received information which made him decide on going farther round still—by Chesapeak Bay. He heard that the navigation of the Delaware was blocked. He put to sea again, and the winds being still contrary, it was the 14th of August before the fleet was off the Capes of Virginia, the 16th before they entered the Bay, and the 22nd before Howe landed at Elk Ferry, on the Pennsylvania side. Men and horses had now been cooped

up miserably in unhealthy holds for nearly two months,[1] on salt meat and pease, and not always water enough. He was again obliged to rest his army, and to recruit the horses which were still alive. He lost another fortnight. He was now ten miles farther from Philadelphia than he had been at Brunswick.

He issued a Proclamation,[2] promising protection to all who stayed quietly at home, and pardon to all in arms who promptly returned to obedience. He also promised the "strictest regularity and discipline" on the part of his army—none of "his Majesty's well-disposed subjects" need fear its "depredations."

He left General Grant to protect communications with the fleet, and on September 8 marched with his main body, by Newark (Pa.), and encamped that evening on the Lancaster road; Washington's army being about four miles off, at Hokessen. Early in the night Washington moved, and at ten next morning crossed the Brandywine at Chad's Ford, and took post on the heights of its eastern side.

The seventy miles which lay between Howe and Philadelphia presented great natural difficulties to an invader. The country was cut by deep streams, and was very thickly wooded. At the Enquiry, Cornwallis said he "never saw a stronger country." But Howe expected an easy victory. Had not his secret informant, the unnamed "provincial officer," assured him that all Pennsylvania would rise for the King the moment a British army appeared to protect the loyal from the vengeance of the disloyal? And this was so far true, that he was now in the land of passive obedience, and that the Quakers were mostly loyalists.

But already he had met with resistance. Greene and Stephen had been in time to remove most of the stores at Head of Elk before he landed. There was a severe skirmish on the 3rd, at White Clay Creek, between Howe's vanguard and Maxwell with the light troops, but Maxwell had no artillery and was obliged to fall back.

Howe's lack of horses made his march slow—Greene and Stephen harassed him with skirmishes, and Henry Lee of Virginia ("Light Horse Harry") cut off his stragglers.

All this time Washington almost lived in the saddle. For the

[1] From Lord Howe's despatches of July 9 and August 28 we learn that the whole force intended for this service was embarked by the 9th of July. The embarkment began on the 5th.

[2] Aug. 27. No time was fixed for submission—the day of grace extended to "the day on which it shall be notified that the said indulgence is to be discontinued."

first time information failed him. He was always reconnoitring—even running great risk of capture, in his eagerness to discover how many the enemy were. He sorely missed Morgan, and formed a company of light-horse to supply the place of the 500 picked rifles he had sent north. In this company served Count Pulaski, who came over recommended by Franklin as a man who had been engaged in defending the liberty and independence of his own country. Sullivan had come in with 3000 men, but even now Washington only numbered about 14,000, poorly equipped, and still worse disciplined—every man that could be spared had been sent to the Northern army, to check Burgoyne's advance. With these men Washington fought his first battles which could be called general actions.

The battle which decided the fate of Philadelphia was fought at the passages of the Brandywine, on the 11th of September. The Brandywine Creek commences with two branches — East and West—which unite in one stream, that after twenty-two miles falls into the Delaware about twenty-five miles below Philadelphia. It was impossible to get sure information as to which of the three fords the British army was taking, but Chad's Ford was the most practicable, and was in the direct route to Philadelphia.[1] Washington made it his centre. His right wing (under Sullivan) extended two miles up the Brandywine, as far as the Forks. The Brandywine was now the only obstacle between the two armies.

Howe advanced in two columns — one, under Knyphausen, consisted of four Hessian battalions under Stern; the 1st and 2nd British Brigades, three battalions of the 71st, the Queen's American Rangers, and one squadron of the 16th Dragoons, under Grant. They had with them six 12-pounders, four howitzers, and the light artillery. This column marched to Chad's Ford, and arrived in front of the enemy about ten in the morning—"skirmishing most part of the march."

On the 5th Washington had made a stirring appeal to his army to save Philadelphia, and when Knyphausen was seen emerging from the skirt of the wood, he rode up and down the line amidst the acclamations of his army. Maxwell, with the Light Infantry, was already engaged, and a heavy cannonade began. There was much skirmishing — crossing and re-crossing the Brandywine — but Knyphausen made no real attack. At noon an express came from Sullivan to say that Howe, with a large force and a park of artillery,

[1] "Unfortunately the intelligence received of the enemy's advancing up the Brandywine . . . was uncertain and contradictory, notwithstanding all my pains to get the best."—*Washington's Despatch* of September 11.

was pushing up the Lancaster road—intending, no doubt, to cross at the upper fords. Washington resolved to cross at Chad's and attack Knyphausen before the other division could arrive; but at that moment a man of the neighbourhood—Cheyney by name—came spurring up to tell Washington that he must retreat instantly, or he would be surrounded! Cheyney had come on the British unawares, and had narrowly escaped capture—they were marching down-stream, and were close at hand; an officer sent by Washington to make sure, saw them two miles behind Sullivan's right, coming on fast. Howe had tried the same tactics as at Long Island—Knyphausen had "amused" the Americans at the ford, while Cornwallis, Grey, Matthew and Agnew, with the mounted and dismounted Hessian and Anspach Chasseurs, two battalions of British Grenadiers and three of Hessians, two squadrons of the Dragoons, and the 3rd and 4th Brigades and artillery, made a détour of about twelve miles to the Forks of the Brandywine, crossed the first at Trimbles', and the second at Jeffery's Ford, about two in the afternoon, and were marching down the Dilworth road to take the Americans at Chad's Ford in the rear. There was not a moment to be lost—Washington sent orders to Sullivan to oppose Cornwallis with the whole right wing. Howe calls it 10,000 men, but the whole Provincial Army was but 14,000. Each brigade was to attack as it arrived.

Sullivan took "a strong position on the commanding ground above Birmingham Church," with his left near the Brandywine, both flanks covered by very thick woods, and his artillery advantageously disposed.[1] Meanwhile Wayne was to keep Knyphausen at bay at Chad's Ford, and Greene to hold the reserve in readiness. Cornwallis advanced in three columns, the Hessians and Anspachers in the centre. It was now four o'clock. Lafayette was with Sullivan, and has left an account of the action which followed. Sullivan advanced, and began to form his line in front of an open piece of wood. Here an unfortunate delay took place on a point of etiquette—Stirling had accidentally formed to right of Sullivan; this was taking rank of him, and had to be changed. The change was actually making when Cornwallis advanced with his own troops in perfect order, and opened a brisk fire. The Americans made an obstinate resistance, but Cornwallis' onslaught was "impetuous," and they were taken at a disadvantage owing to the mistake. Both wings broke, and were driven into the woods. The centre stood firm for some time, but at length it too gave way. Lafayette was shot through the leg endeavouring to rally the centre. The British,

[1] Howe's Despatch.

in pursuing, became entangled in the wood,[1] and the Americans rallied on a height to north of Dilworth,—still in a wood,—but after a spirited resistance were again dislodged with heavy loss. Night coming on, and the fatigue of the British, saved them from further pursuit; but the flight continued to Chester, twelve miles from the field of battle.

While this was going on, Knyphausen had made a push to cross Chad's Ford. He was vigorously opposed by Wayne, and Greene was about to second him when he was called by Washington to support the right wing. It was said that Greene's men covered five miles in less than fifty minutes, but they arrived too late to prevent the rout of the right wing. They did, however, save the left—Greene opening his ranks from time to time to receive the fugitives, and closing as soon as they had passed. At one point in this part of the action both sides charged again and again with the bayonet. But it was a defeat, though Knyphausen's Hessians were too tired to pursue. The road to Chester was crowded with fugitives, cannon, baggage, all hurrying along, with the artillery thundering, and muskets volleying amidst the dust and uproar. Not till Chester was reached could Lafayette stay the flight.

Every discharge of cannon had been heard in Philadelphia, twenty-six miles off. Groups of Whigs and Tories stood in the streets and squares, waiting for a messenger. About noon there was a violent thunderstorm, all the more terrifying, because Christ Church steeple had been struck only three months before. It was evening before a horseman galloped into the city—"down Chestnut Street and round Fourth Street," never drawing rein till he came to the *Indian Queen*. He told the excited crowd that there had been fighting all day, and General Washington was driven back, the French Marquess was wounded, and many others—Birmingham Meeting-House was full of them, and the Quakers were attending on them, and the roads were crowded with people taking away their goods.

Congress sat all night, and in the morning removed to Lancaster.

Howe halted at Dilworth, and did nothing for two days—he might have utterly destroyed the discomfited army if he had pursued. Washington made good use of the delay—retreating on Germantown. Strange to say, his army was in good spirits—it had been defeated, but it had made a good fight, and it was not

[1] "The 1st British grenadiers, the Hessian grenadiers, and guards, having in the pursuit got entangled in very thick woods, were no further engaged that day."—*Howe's Despatch.*

discouraged.[1] Washington resolved to fight again. On the 16th he advanced along the Lancaster road, hoping to turn the British flank. The two armies were drawn up in order of battle near Goshen Meeting-House (twenty-three miles from Philadelphia), and were just about to engage, when so violent a storm of rain came on, and continued for twenty-four hours, that both sides saw it was impossible to fight. But as usual the Americans suffered most—their cartouche-boxes were not of seasoned leather, and so their cartridges got wet, and Washington was compelled to draw up into the country till he had a fresh supply. Bad weather was very distressing to the Americans, poorly clad, with no blankets, and separated from their tents, the rain spoiling their small ammunition and rusting the locks of their muskets. Nearly one thousand were actually barefooted. But Washington marched them all night to Yellow Springs, and on the 18th to Warwick, hoping to dispute the passage of the Schuylkill. He crossed that river and encamped on the farther bank, after detaching troops to all the fords. And now another misfortune befell him—Wayne, who was about to surprise Howe, was himself surprised by General Grey,[2] and though he made a valiant defence he lost 400 men. The British had in truth many friends in Pennsylvania, when Howe first came, and information was brought by them.

In these last days, before the fall of Philadelphia, Thomas Paine tried to rouse the spirit of the city. At one in the morning of the 19th news came that Howe was crossing the Schuylkill, and the panic and confusion were very great. It was a beautiful, still moonlight night, and the streets were as full of men, women, and children "as on a market-day." The night before Paine had gone to Colonel Bayard, Speaker of the House of Representatives, and reasoned with him. Washington was thirty miles up the Schuylkill with an army, only waiting for ammunition to supply that spoiled by the rain; and a reinforcement of 1500 men was marching from the North River to join him. Paine represented that "even the appearance of defence," by throwing up works at the heads of streets, would "make the enemy very suspicious" how they ventured themselves between the city and Washington, and between two rivers. Paine had observed that "military gentlemen" were exceedingly cautious on new ground, and suspicious of towns and villages, and "more afraid of little things they don't know than of

[1] Washington's losses at the Brandywine, in killed, wounded, and prisoners, were about 1000. The British loss was 579, of whom 58 were officers.

[2] "No-Flint Grey," first Earl Grey, and father of the Minister who passed the Reform Bill of 1832.

great things they do." He thought Philadelphia might hold out a day or two, till Washington could come down—the city had better assess itself at 50,000 dollars for defence than let the British come in. Bayard agreed, but there was no one ready to take the lead, and nothing was done.

On one of these nights of listening and suspense, there was "the most awfully grand display of the *Aurora* ever seen." At first it was thought that the crimson-stained streamers which flashed over the city were occasioned by the fires of the British; but soon they found that the spectacle was too vast for human agency, and began to think of the Siege of Jerusalem, and the dreadful signs then seen in the heavens.

On the 22nd Howe made a rapid march up the Schuylkill, towards Reading—Washington keeping pace with him on the other bank as far as Pott's Grove. Then Howe turned, and by a rapid countermarch reached the ford below, and crossed. Washington learned this also too late to oppose him, and Howe went on to Germantown, and sent Cornwallis forward to take formal possession of Philadelphia in the King's name.

Cornwallis marched in about noon of the 26th of September, with a brilliant staff, "splendid legions of British and Hessian grenadiers," long trains of artillery, squadrons of light dragoons, and bands playing "God Save the King!"—a very different spectacle from the regiments in hunting-frocks, with sprigs of green by way of uniform! The windows were full of people dressed in their best—they had been advised to be dressed well, and to keep their doors shut. But it was an unspeakable relief that the British marched in so quietly—and in the morning. A Tory lady (then a child) says they showed no signs of exultation. "Well-fed, clean, and well-clad—how unlike our poor fellows, bare-footed and ragged!" There were loyal addresses and demonstrations, and a little boy ran up to shake hands with one of the grenadiers.

Cornwallis, who came to this lady's mother's to look for quarters, was very polite. Lord Rawdon "and the other aids looked haughty." But the officers were usually polite—"they felt uneasy at acting as enemies to people who spoke the same language." Many had buried their plate and money—and some their papers, "which of course mouldered away." There was nothing in the shops, and the paper money had depreciated to nothing. A little before the British came, two pieces of silk had been offered at 100 dollars a yard, and tea was 50 or 60 dollars a pound.[1]

[1] *Recollections of Deborah Logan.*

Two years after, when giving evidence at the Enquiry into the Conduct of the War, Howe denied that he was received with gladness in Philadelphia—only 4500 of the male inhabitants from 18 to 60 years of age remained there. It was true they gave the British support, and refused to help the rebel General—but that was because they had no opinion of the value of Congress paper money.[1] "We paid in hard cash"—also, they could buy things of us. As for its being at the risk of their lives that they took our money, that is nonsense—Washington connived at it—he was very glad silver and gold should come in. And "thousands" did NOT join us—at no time did men in numbers come over,—though there was a prospect of this in the spring of 1778. Of men in our Provincial corps, only a small proportion were American. This confirms some of the private letters, and is in flat contradiction to Galloway.

[1] There were enormous frauds. A band of villains counterfeited the New Hampshire currency to a great amount. Mrs. Adams had £5 of it—everybody had some. Worse still, one Col. Farrington, taken sick, confessed not only to counterfeiting, but to enlisting near 2000 men, to fall on the people when the troops came to Boston, and make havoc.—*Letter of John Adams*, May, 1777.

CHAPTER LXI

GERMANTOWN

"The people of this country are chiefly Germans, who have schools in their own language . . . so that multitudes are born, grow up, and die here, without ever learning English. In politics they are a breed of mongrels or neutrals, and benumbed with a general torpor."—*John Adams to his Wife*, Yorktown, Oct. 28, 1777.

"If our cause is just, it will be best supported by justice and righteousness." —*Abigail Adams to her Husband*, Braintree, May 18, 1777.

WASHINGTON sent to Putnam for still more men, and wrote to Gates to send him back Morgan. Undaunted by defeat, he believed that with a sufficient force he could compel Howe to evacuate Philadelphia—perhaps to capitulate—before winter.

Lord Howe meanwhile was trying to destroy the three *chevaux-de-frise* which had been made across the Delaware. He thought it would be easy, but a large American frigate (the *Delaware*) and other vessels got within 500 yards of the new batteries—begun the very day that Cornwallis entered—and brought a heavy cannonade to bear on town and battery; but the tide falling, the *Delaware* grounded and was taken, and most of the smaller vessels were disabled. Five miles lower down there was a redoubt on the Jersey shore, at Billingsport. On the 1st of October Captain Hammond, in the *Roebuck* man-of-war, took Billingsport, and removed part of the *chevaux-de-frise* there.

By this time Washington had been reinforced by the 1500 men from Peekskill and 1000 from Virginia; and knowing that Howe at Germantown was weakened by detaching Cornwallis and the battalions sent to Billingsport, he resolved to attack him.

Howe's main body lay encamped about a mile from the head of the main street of Germantown—"one continued street for two miles."[1] Market Square was the centre of his line. His

[1] Germantown was first settled in 1683, by colonists from the Lower Rhine (near the borders of Holland). It was really a German town—the people spoke German. There were many manufactures, and many linen weavers. They also made stockings from the famous Germantown wool; and since 1760 had

headquarters were at Stenton. His right—the Grenadier Guards and six battalions of the line under Grant and Matthews—extended along Mill Street to Luken's Mill; his left—the 3rd and 4th Brigades under Grey and Agnew, and the Hessians under Knyphausen — stretched along School House Lane to Ridge Avenue,[1] the Hessians being at the extreme left. Knyphausen commanded the whole. There were two battalions of the Guards to rear of the town, and two more were posted in advance of the centre on the Main Street. Colonel Musgrave with the 40th was stationed near Chew's House.[2]

On the night of the 2nd of October, the whole American army moved along the Shippack road to a point eighteen miles from Germantown, and made as though they intended to form a permanent camp there. That night they marched on at 7 o'clock to Bethlehem Turnpike, and there separated into four columns, each of which was to go by a different route. At 7 next evening they marched again. Smallwood, with the New Jersey and Maryland Militia, went by the York road, to get to the rear of the British right. Greene, with his own and Stephen's divisions, and McDougall's brigade, marched by the Limekiln road to attack the British right. The rest marched by Bethlehem Turnpike down to Chestnut Hill, to near the place where General Armstrong and the Pennsylvanians got into Ridge road. They were guided by a German, and were to take the British left in rear. Sullivan's and Wayne's divisions, and the reserve under Lord Stirling, with the Commander-in-Chief in person and all his staff, marched by the mainroad down Chestnut Hill to the village of Germantown, to attack Howe's left. It was a very extended plan of attack, and it was of the utmost importance that all should carry out their orders precisely.

The days preceding had been fair, but the mornings foggy. When Sullivan reached the Mermaid Tavern to north of Mount Airy (where the 52nd Light Infantry, with a picket, were stationed on the property of Chief Justice Allen), the sun was just rising above the hills. But "it was soon buried in a bank of cloud"—a dense fog settled down, till men could not see 100 yards before them—some said not 100 feet. The Americans had been ordered to put white papers in their hats, that they might know each other —many being in red, like the British; but this was not effective,

turned out as many as 60,000 dozen pairs of thread stockings a year, "at a dollar a pair."

[1] Howe says Knyphausen's division extended to the Schuylkill.

[2] *Historic Germantown.*

and as the fog thickened they became suspicious of each other. And soon the smoke of battle, and of the burning stubble-fields, was added to the mirky gloom of the mist, till no man could distinguish friend from foe.

Sullivan formed to the west, and Wayne to the east. Sullivan came first into action, surprising the picket at the Allen House. The sentries were killed—Sullivan carried all before him. Howe, whose headquarters were at Stenton,[1] is said to have been awakened by the noise. He rode up just in time to see the Light Infantry running away, and cried, "For shame, light infantry! I never saw you retreat before! Form! This is only a scouting party!" Reinforcements came up, and the infantry rallying made a stand on both sides of the main street of Germantown, "at the Maronite Church." Here Dr. William Shippen's house soon became the centre of fierce skirmish. Here Agnew fell.

Greene pushed on to east of the road, passing the Chew House —a strong stone building, erected the year the King came to the throne, the country seat of Benjamin Chew, Chief Justice of Pennsylvania before the Revolution. It stood in an open space at the head of the village.[2] It was to decide the issue of the coming battle.

When Washington came up with the reserve, it was discovered that Musgrave and six companies of the 40th had thrown themselves into the Chew House, closed the lower shutters, and were keeping up a steady fire from the second-floor windows and from the roof. Both Greene and Sullivan had passed without noticing this. A hasty Council of War was held "near the Billmyer House." Washington ordered Maxwell's brigade to attack (some accounts say only to watch) the Chew House, sent Nash's reserve brigade to strengthen Sullivan, and passed on.

Meanwhile Greene was fighting on the Limekiln road; but both Stephen and McDougall mistook their way in the fog, and thus time was lost. Greene himself came up three-quarters of an hour late, advancing through marshes, thickets, and "post-and-rail fences." By the time he attacked the British right it was waiting for him.

By this time the battle was general all along the line, except on the York road, where Smallwood was approaching Branchtown. Armstrong was skirmishing with the Hessians, and cannonading them from the heights above the Wissahickon. Sullivan, reinforced by Nash, was pushing the British back on the centre of the town.

[1] "In Dr. George Logan's house." The doctor was in England.

[2] *Historic Germantown.*—CHAS. F. JENKINS.

It seemed as though the day was lost—orders were actually given for the corps to rendezvous at Chester—when a panic arose in Wayne's division. One of Stephen's brigades, acting without orders —in fact neglecting its orders—had turned aside to Chew's House, and was playing on the walls with its field-pieces. Wayne's men took this for a British cannonade, and at the same critical moment a brigade of Greene's, which had lost its way in the fog, appeared in the rear and was taken for the enemy, while a drum heard beating at Chew's was thought to be the signal for retreat. Someone called out that they were surrounded, and Wayne's men retired in disorder, uncovering Sullivan's left. Sullivan's ammunition was exhausted—he too was compelled to retreat. Washington, fearing a general rout, recalled Smallwood and Greene—who was successfully engaged. Greene fell back, stubbornly contesting every inch of ground, and giving time for the other divisions to withdraw.

There had been a fierce fight at the Chew House. The first shot of the Provincial artillery burst open the front door—it had "a portico and two doric pillars," and afforded cover. The Provincials piled up tables and chairs, everything combustible they could find, while others advanced "under the cover of the cherry-trees in the lane," and crouched behind the marble statues, which were broken by the balls. They could not fire the house, though Major White, of Sullivan's staff, laid a bundle of straw against the cellar window. There was fighting on the wide stair, which led up from "the stately hall"; but Musgrave had posted his men with the greatest skill—it was said he had but one man killed, while 46 officers and men fell of Maxwell's brigade alone. They had better have left Musgrave alone—the panic caused by their cannonade lost the battle.[1]

The retreat was orderly—but everyone was determined to go. Washington wrote to Congress, "In the midst of the most promis-

[1] "So sudden and unexpected was the retreat, that the 9th Virginia Regiment —which had driven everything before it—thought the battle was won, and got so far in advance that it could not rejoin the main army, and was surrounded and obliged to surrender. It had taken more prisoners than its own number."—*Historic Germantown.*

"A gentleman of distinction in Philadelphia," who was with the main body on the day of the Brandywine, writes to "his friend" in Boston: "I shall follow the usual custom of the drama, by introducing the greatest hero first. The character of our worthy General needs no eulogium. He is at all times great, but on that day he surpassed himself. . . . Description would fail me were I to attempt to represent how much the men seemed animated by his presence. . . . Never were men in better spirits." The letter concludes with eager anticipations of "the next battle," which the writer thinks will be "a very bloody one." This gentleman writes from Hancock's house.—See the Letter in Almon, v. 433.

ing appearances, when everything gave the most flattering hopes of a victory, the troops suddenly began to retreat, and entirely left the field, in spite of every effort that could be made to rally them. . . . We sustained no material loss of men . . . the enemy are nothing the better by the event, and our troops, who are not in the least dispirited by it, have gained what all young corps gain by being in action."

Paine has also given an account of this extraordinary battle. No one ever understood why Germantown was lost—Washington himself said he did not. In the retreat, "nobody hurried themselves." Everyone marched at his own pace. The troops were young and raw, "unused to breaking and rallying"—they had not learned to fight, and Washington dared not risk them. The fog, and the difficulty of distinguishing each other from the enemy, were no doubt the first reasons, and to these were added a drunken general. General Stephen, who had served with credit in the old French War, had unfortunately fallen into habits of intemperance, and to this was doubtless owing the unfortunate attack on the Chew House.[1]

Immediately after Germantown, General Howe sent orders to Sir Henry Clinton to abandon Fort Clinton on the Hudson, and send him 6000 of the 9000 men he had given him; and on October 19 he removed his army to Philadelphia—little imagining that at that very hour Burgoyne was signing a Capitulation at Saratoga, and that the blame of it would be cast upon himself.

The opening of the Delaware was a more difficult task than had been expected. It was the middle of October before Lord Howe could open a narrow channel through the first obstruction. The rebels (now called "the enemy") had entrenched about 800 men at Red Bank (Fort Mercer), on the Jersey shore, close by Mud Island, where was the upper *cheval-de-frise*.[2] On the 22nd Howe sent Count Donop and three battalions of Hessian Grenadiers to attack this post. The Hessians were repulsed with loss, and Donop was mortally wounded. Next day Lord Howe lost two ships by their running aground near the same fort.[3]

Meanwhile Sir Henry Clinton had made his cattle-raid in

[1] Stephen was dismissed for misconduct at Germantown.

[2] Lord Howe's Despatch of October 25, "on board his Majesty's ship *Eagle*," shows that the obstruction at Mud Island was very formidable, and also that the Americans made very vigorous attempts with "fire-rafts, gallies, and other armed craft," to frustrate his efforts.

[3] In his despatch about the repulse at Mud Island, Sir William asks for "additional cloathing for 5000 Provincials," including "the new levies expected to be raised."

Jersey, and Brigadier-General Campbell's force on Staten Island had had two of his loyalist battalions surprised, but the rebels were themselves surprised by Colonel Dongan, as they were crossing back to Jersey, and the affair ended in considerable loss to the Americans.

Washington's raw levies were no match for the British regulars; but the chief reason for the ill-success of the Americans was the fact that, owing to the number of British sympathisers in Philadelphia, he was not supplied with timely intelligence of Howe's movements. This is the sure test of public sentiment in the province. In Jersey Washington knew everything, although there sentiment was so much divided that the British also got a great deal of information—as we learn from Howe's despatches. But when Howe arrived in Pennsylvania, there was a great body of waverers, and the Quakers in particular were, passively at least, on the King's side. At Germantown the case was different—there the fog saved Howe from a disaster; it not only delayed the march of the converging columns (which, however, did not prevent the surprise), but it confused friend with foe, until the Americans were so nervous that they fired on their friends, and mistook their own cannonade for that of the enemy. Panic did the rest. Panic is at all times unreasoning—the ancients recognised how little it can be either accounted for or controlled.

CHAPTER LXII

THE RETAKING OF TICONDEROGA

"This Army must not retreat."—*General Burgoyne's General Orders*, Crown Point, June 30, 1777.

"Were the Indians left to themselves, enormities too horrid to think of would ensue; guilty and innocent, women and infants, would be a common prey."—*General Burgoyne to Lord George Germaine.*

"The chief of the tribes, who went by the name of King *Last-night*, because his tribe had sold their lands, had seen some English men-of-war in some of the waters of Canada, and was impressed with the power of these great canoes; but he saw that the English made no progress against us by land. . . . 'The King of England,' he said, 'is like a fish. When he is in the water he can wag his tail; when he comes on land he lays down on his side.'"—*Letter of Thomas Paine, on the Meeting of Indians with the Commission sent from Congress to treat with them at Eaton, Pa.*, on Jan. 21, 1777.

THE expedition of Burgoyne had been planned in the winter, between the King, Burgoyne,—then again in England,—and Germaine. Long ago Carleton had pointed out that the best way to secure New York would be to establish military communication between it and the St. Lawrence. The plan was, to sweep Canada of the rebel invaders, and then work down to Albany, and so by the Hudson to New York. This, it was confidently believed, would kill the rebellion by cutting it in two. The plan was to be completed, and its success made certain, by Howe co-operating, and coming up the Hudson to meet Burgoyne at Albany. Incredible as it must appear, Howe had received no positive instructions, had been allowed to form another, and incompatible plan, and was gone off to take Philadelphia.

As the original author of the plan, Carleton had expected the command. To his astonishment and disgust it was given to Burgoyne. Instead of meeting with any recognition of his tremendous exertions in saving Canada in 1775–6, Carleton had been abused for not taking Ticonderoga last October, and Germaine was trying to get him superseded. He had one of his many grudges against Carleton, who had declined to give a staff appointment to one of Germaine's incompetent *protégés*.

Germaine would have recalled him, but the King stood Carleton's friend, and was annoyed at Germaine's persistent persecution of this brave soldier. Probably Germaine had yet another grudge against the man thanks to whom we did not lose Canada—Carleton was humane and generous, and had been very kind to his prisoners. Instead of putting them in irons, he gave them food, shoes, and warm waistcoats, and told them to go home, and not let him catch them again. This was not the way to win Germaine's favour, and he did not rest till he had got rid of Carleton.

Burgoyne returned from England on the 6th of May—appointed to the chief command in Canada. Carleton was ordered to defend his province with the 3000 men to be left with him as Governor. The slight was not to be misunderstood—Carleton wrote to resign the Governorship, and the King said he did not wonder at it. Meanwhile Carleton abated nothing of his zeal in supplying Burgoyne with all he needed.

Burgoyne was delayed waiting for some of his troop-ships. He had better have spent the time in getting his boats and transport together; but it was the 7th of June before he made a formal requisition to Carleton for 400 artillery horses, and 500 carts to carry the stores and ammunition.

On the 13th of June, 1777, the Standard of England was hoisted on board the radeau, and Burgoyne began his march to his doom. On the 20th, being then in camp at Bouquet Ferry, he issued a Proclamation. It was all about "the power, the justice, and when properly sought, the mercy of the King." It called "the present unnatural rebellion the foundation for the compleatest system of Tyranny that ever God in his displeasure suffer'd for a time to be executed over a froward and stubborn generation"; and wound up with dreadful threats of "giving a stretch" to the Indians under his direction—"they amount to thousands"—to "overtake the harden'd Enemies of Great Britain and America." A few days later he issued a Standing Order on the methods of entrenching and fortification—"so necessary in little Wars."

On the 21st he made his famous speech to the Indians—the speech over which Burke made so merry.[1] It began, "Chiefs and Warriors!" talked about "the great King, our common father," complimented them on not having joined the rebels; and

[1] "Figure to yourself an English General, surrounded by his suite, receiving from the hands of an Indian chief, besmeared with blood, the scalps of an hundred defenceless women and children."—*Letter from New York*, July 1, 1777. (Almon.)

then came to the point. His "friends" must be good boys. In former wars they had held themselves justified in destroying everything they came across. This must not be now. The King has many faithful subjects in this province—your brothers therefore. "Your magnanimity of character," and your affection for the King, will induce you to obey me. You must kill no one in cold blood. "Aged men, women, children, and prisoners, must be held sacred from the knife or hatchet, even in the time of actual conflict." You shall be compensated for your prisoners, and you must account for scalps. As you have always been used to it, you may scalp the dead, whom you have killed in fair fight, but on no pretence may you scalp the wounded, "or even dying" —it would be still worse to kill them on purpose, in order to evade my prohibition to scalp the living. "Base lurking assassins, incendiaries, ravagers, and plunderers of the country, to whatever army they belong, shall be treated with less reserve;" but I must be the judge. If the enemy commit acts of barbarity, you may retaliate. Finally, remember that the King will examine and judge you on "the test only of your steady and uniform adherance to orders."

They all cried "Etow! Etow!" and after a consultation, an old Chief of the Iroquois rose and made a short speech. "We have been tried and tempted by the Bostonians," he said; "but we have loved our father, and our hatchets have been sharpened upon our affection." Then he promised obedience and sat down, and again they all cried "Etow!"

But in spite of his grandiloquent language, Burgoyne must have felt uneasy. During the advance of the year before, Lieutenant Hadden heard him say that a thousand savages brought into the field cost more than 20,000 regular troops.[1] Perhaps this referred only to the presents which had to be made to the savages—silver bracelets, gold-laced hats and coats, feathers, paint—and arms. They had found out the difference between gold and tinsel, and if they accepted a brooch to wear in their shirts, it must at least be sterling silver.

By the 30th of June the army was at Three Mile Point, and Burgoyne issued his General Order with the ill-omened expression, "This army must not retreat." Why mention retreat? The words were unfortunate, and the remembrance of them influenced Burgoyne's decision to advance from Fort Edward, instead of retracing his steps to Lake George. Next morning the army embarked, and sailed up the three miles of river

[1] Hadden, *Journal in Canada.*

which connect Ticonderoga and Crown Point — the Indians, who had lately been getting drunk, going first in their birch canoes.

Montcalm said once of Ticonderoga that it was "une poste pour un honnête homme de se déshonorer." And so Schuyler and St. Clair proved it. Enormous pains had been spent on the defences of Ticonderoga by the Americans, but unfortunately they had fortified the wrong hill. All their pains had been bestowed on Mount Independence, on the eastern side of Champlain, instead of on Sugar Hill, a rugged height, the terminus of the ridge between Lake Champlain and Lake George. It was about 66 feet high—to south of the Fort, beyond the narrow channel connecting the two lakes. They thought it out of range, though Trumbull had proved to them that it was not, by firing a shot the year before. Then they said it was inaccessible—but Trumbull and Arnold climbed it. In vain Trumbull insisted that the fort ought to be on Sugar Hill, as it dominated everything—so much attention was being given to the question whether Schuyler or Gates was to command in the North, that the question of Sugar Hill was allowed to slide. This incredible blunder caused the loss of Ticonderoga, and, but for Germaine's still more incredible blunder about the despatch, might have caused the triumph of the British arms in the Northern and Central States.

No sooner did Phillips see Sugar Hill than he understood what he had to do. He advanced with Fraser's corps and took it without opposition. It was re-christened Mount Hope, because it gave such good hope of taking Ticonderoga. Next he set about cutting a road up it for his artillery. The Americans, now convinced that Mount Hope was within range, were playing upon it with their artillery, and wondered that they got no reply—Phillips was cutting his road behind among trees and rocks. In the night of July 4, everything was carried up[1]—the cannon were hauled from tree to tree, and in the morning the garrison were astounded to see red-coats on the Sugar Hill, evidently working at a battery. Then St. Clair also understood. He called a Council of War. It was resolved to evacuate that very night, and retreat to Skenesborough, thirty miles off, on the east side of Lake George. The provisions and military stores, the tents, the wounded, and the women, were embarked on two hundred bateaux, guarded by 600 men, with 200 more in five armed galleys. All was done so silently that the

[1] Anburey says that Phillips split fifteen canes in beating the horses, "such was his anxiousness in expediting the artillery."

flotilla got off undiscovered, though it was a moonlight night.[1] St. Clair and the main body crossed to the Vermont side of the lake at three in the morning, and set forward for Hubbardtown; and no alarm would have been given if, by some never explained mistake as to Colonel Francis' orders, the rear-guard had not set fire to a house near Mount Independence. The house blazed, the sentries on Mount Hope saw it and fired the alarm-gun; the drums beat to arms; Fraser dashed into the Fort and found it deserted. By daybreak the British flag floated once more on Ticonderoga, and Fraser was in full pursuit.

Burgoyne, on the *Royal George*, woke to find the Fort taken, and to see Fraser disappearing on the Vermont shore. He instantly sent Riedesel to support him, put a garrison in Ticonderoga, and by 8 o'clock the troops were embarked and a passage broken through the great boom which the Americans had been six months making.

The fleet set out to pursue the flotilla. The lake is so narrow above Ticonderoga that it used to be called South River—("beautiful waters wind among mountains and primæval forests"). The American vanguard did not know the alarm was given, and fondly believed the floating bridge would be a great hindrance to Burgoyne. They are described as making merry, and drinking derisive toasts to the British Commander, forgetful of the good old adage which bids us not shout till we are out of the wood. They reached Skenesborough about three in the afternoon, and had hardly begun to disembark when they heard artillery from below. It came from the British gun-boats, which had pushed on and were firing on the galleys. After some defence, at least two struck and three blew up. The fugitives brought word that the British ships could not get up, and so the British and Indians were landing and scrambling up the hills, to take the Fort of Skenesborough in rear and cut off all retreat. There was consternation and confusion. Colonel Long, who commanded this division, had everything set on fire—batteaux, storehouses, fort, mill,[2] and then there was a general flight to Fort Anne, twelve miles farther on. Some got up Wood Creek in boats, but Long and the main body retreated by

[1] St. Clair had broken down the bridge as he crossed, and left four men to fire off the cannon of a large battery—but the men got at a cask of Madeira, and were lying by it dead drunk. An Indian, "very curious in examining everything," dropped a spark on the priming of a cannon, and nearly raked the 9th, who were crossing.—ANBUREY.

[2] "The trees all up the side of the hanging rock had caught fire, as well as at the top of a very lofty hill. The element appeared to threaten universal destruction."—*Ibid.*

the narrow defile cut through the woods—harassed all night by alarms that the Indians were upon them, and expecting every moment to hear the war-whoop. Both parties reached Fort Anne at daybreak. They were now sixteen miles from Fort Edward. Schuyler reached Fort Edward next day, and hearing of Long's flight, sent him a small reinforcement, urging him to hold out. The same day Long's scouts told him the red-coats were coming. It was Lieutenant-Colonel Hill, whom Burgoyne had despatched in pursuit. There was a sharp skirmish on Wood Creek, the British being besieged on a hill for two hours. Just as their ammunition was failing, Captain Money, Burgoyne's D.Q.M.G., sounded the Indian war-whoop in the wood. He actually had a party of Indians behind him, but they had refused to advance. But the war-whoop had almost the same effect. The British on the hill gave three cheers. Long's own ammunition was nearly exhausted. He set fire to Fort Anne, and continued his flight to Fort Edward.

St. Clair, meanwhile, had retreated through the woods all night, till he reached Castleton, nearly half-way to Skenesborough. His rear-guard was halted at Hubbardtown, six miles behind, to wait for stragglers. It was composed of three regiments—those of Colonels Seth Warner, Francis, and Hale—about 1300 in all. They were tired and dispirited. Very early on the morning of 7th—"a sultry July day"—they were ordered to be ready to march, and were taking some hasty refreshment, when, just as the sun rose, there was a cry—"The enemy are upon us!" The sentries had discharged their muskets and were running in from the thickets. It was Fraser with his advance-guard of 850, who had pressed on in the very early hours of the morning, and now fell on the Americans. As one of them wrote to Starke, "Some behaved and some did not." Hale's regiment of militia fled in a body—it was first attacked, and was not formed. This reduced the Provincials to 700. The regiments of Francis and Warner made a stand, "every man trying to secure himself behind girdled trees," in backwoods fashion. A British account admits that for a time the issue was "at least doubtful," the Provincials having turned Fraser's flank, when Riedesel came up—his men singing a psalm as they came—and charged with the bayonet.[1] Francis and 200 were killed, the rest

[1] Riedesel arrived on the field some time before his men, and "poured forth every imprecation" on them for not coming in time to share in the glory. Their incessant firing decided the fate of the day. "In this action I found all manual exercise is but an ornament, and the only object of importance . . . was loading, firing, and charging with bayonets. . . . Here I cannot help observing to you, whether it proceeded from an idea of self-preservation, or natural instinct, but the soldiers greatly improved the mode they were taught in, as to expedition."

broke and fled. So demoralised were some of them, that seventy Americans surrendered to fifteen British,[1] whose officer, sent out to bring in cattle, made them believe he had a large party concealed close by.

St. Clair at Castleton heard the firing, and ordered two militia regiments—which were only two miles from Hubbardtown—to come back and assist Francis; but they refused, and at this moment St. Clair heard that Burgoyne had reached Skenesborough. So, fearing to be intercepted at Fort Anne, he struck into the woods on his left, and for five days no one knew what had become of him. Then the shattered remains of the little army assembled at Fort Edward (July 12), having lost an immense quantity of stores and artillery, and all the forts which had been relied on to delay the British advance.

The panic spread to Albany—"people were running about as if distracted, sending off their goods and furniture."[2] The British thought the campaign was over, and nothing remained but a somewhat toilsome march to Albany. On Sunday, a thanksgiving sermon was preached, "for the success of our arms, after which there was a *feu de joie* fired by the whole army, with artillery and small arms."[3] The British also were shouting before they were out of the wood.

When the news reached England, the King rushed into the Queen's apartments, crying, "I have beat them, I have beat all the Americans!" He offered Burgoyne the Bath,[4] but Burgoyne declined it—until he had deserved it by the complete success of his expedition.

(Anburey, i. 293–5.) Anburey accuses the Americans of treachery. About 60 came across a field, "with their arms clubbed, which is always considered to be a surrender." The Grenadiers were accordingly ordered to cease firing. The Americans came within ten yards, and then fired and fled to the woods, having killed and wounded a great number. Those who escaped the fire pursued, and gave no quarter.

[1] "A proof of what may be done against Beaten Battalions while their fears are strong upon them."—HADDEN.

[2] Letter of Richard Varick to General Schuyler.

[3] He adds, "the sermon was . . . an exceeding good one, for a parish church, but not in the least applicable to the occasion."—ANBUREY.

[4] This offer caused the very common error of calling Burgoyne "Sir John Burgoyne."—Horace Walpole, *Last Papers*.

NOTE.

In March, 1777, a Cabinet Council decided that Burgoyne should command the expedition,[1] and Germaine wrote to Carleton. After explaining that his letter of August 22, 1776, was entrusted to Captain le Maître, one of Burgoyne's aides, but that le Maître, unable to get up the St. Lawrence to Quebec, had brought the letter back to England, Germaine now transmits it, "though it was prevented by that accident from reaching your hands in due time"; he continues—

"You will be informed by the contents thereof, that as soon as you should have driven the rebel forces from the frontiers of Canada . . . you should return to Quebec," with such part of your army as you think necessary to defend the province; "that you should detach Lieut.-General Burgoyne, or such officer as you think most proper, with the remainder of the troops, and direct the Officer so detached to proceed with all possible expedition to join General Howe, and to put himself under his command. With a view of quelling the rebellion as soon as possible, it is become highly necessary that the most speedy junction of the two armies should be effected; and therefore . . . it is the King's determination to leave about 3000 men under your command, . . . and to employ the remainder of your army on two expeditions, the one under the command of Lieutenant-General Burgoyne, WHO IS TO FORCE HIS WAY TO ALBANY, and the other under the command of Lieutenant-Colonel St. Leger, who is to make a diversion on the Mohawk River. As this plan cannot be advantageously executed without the assistance of Canadians and Indians, his Majesty strongly recommends it to your care to furnish both expeditions with good and sufficient bodies of these men."

Then follow minute directions as to the description and number of the troops to be given to General Burgoyne, ending with the words, "together with as many Canadians and Indians as may be thought necessary for this service." Burgoyne is to be furnished "in the fullest and completest manner with artillery, stores, provisions, and every other article necessary for his expedition. . . . YOU ARE TO GIVE HIM ORDERS TO PASS LAKE CHAMPLAIN, AND FROM THENCE, BY THE MOST VIGOROUS EXERTION OF THE FORCE UNDER HIS COMMAND, TO PROCEED WITH ALL EXPEDITION TO ALBANY, AND PUT HIMSELF UNDER THE COMMAND OF SIR WILLIAM HOWE." "From the King's knowledge of the great preparations made by you last year, to secure the command of the Lakes," his Majesty is led to believe that everything will be ready for General Burgoyne to pass the Lakes. Then come directions about St. Leger's force—he too is to have "a sufficient number of Canadians and Indians," and all else that is necessary, and "you are to give him orders to proceed forthwith to and down the Mohawk River TO ALBANY, AND PUT HIMSELF UNDER THE COMMAND OF SIR WM. HOWE. I shall write to Sir William Howe FROM HENCE BY THE FIRST PACKET; but you are nevertheless to give him the earliest intelligence of this measure; and also direct Lieutenant General Burgoyne and Lieutenant-Colonel St. Leger, to neglect no opportunity of doing the same, THAT THEY MAY RECEIVE INSTRUCTIONS FROM SIR WILLIAM HOWE. You will at the same time inform them, that, until they shall have received orders from Sir

[1] "Lord George Germaine will to-morrow propose General Clinton for Canada, and Burgoyne to join Howe. I thoroughly approve of this; he wants [Carleton (?)] to be recalled, but I have thrown cold water on that."—*The King to North*, February 24, 1777, 50 min. pt. 5 p.m.

Wm. Howe, it is his Majesty's pleasure that they ACT AS EXIGENCIES MAY REQUIRE . . . for making an impression on the Rebels . . . BUT THAT IN SO DOING, THEY MUST NEVER LOSE SIGHT OF THEIR INTENDED JUNCTION WITH SIR WM. HOWE, AS THEIR PRINCIPAL OBJECTS."

So anxious is the Government for this scheme, that "in case Lieut.-General Burgoyne, or Lieut.-Colonel St. Leger, should happen to die," or be incapacitated through illness, "you are to nominate such Officers as you shall think best qualified" to supply their place.

This despatch is dated, Whitehall, March 26, 1777.

Sir William Howe declared unwaveringly that he never received the letter which was to come "by the first packet"; nor did Germaine ever produce the copy of such despatch, nor any evidence that it was actually sent.

CHAPTER LXIII

THE INDIANS

"Brothers, we again repeat, that we have no quarrel with you, and we do expect that you will not interfere in this family contest, but stand by as indifferent spectators, agreeable to the engagement of the Six Nations made last summer, at their own request."—*Speech of General Philip Schuyler to a Deputation from the Mohawk Indians, at Schenectady*, Tuesday evening, Jan. 16, 1776.

"The United States are now one people; suffer not any evil spirit to lead you into war. Brothers of the Mohawks, you will be no more a people from the time you quit your ancient habitations. Brothers of the Six Nations, the Americans well know your great fame and power as warriors; the only reason why they did not ask your help against the cruelty of the King was, that they thought it ungenerous to desire you to suffer in a quarrel in which you had no concern."—*Speech of General Horatio Gates to the Six Nations, assembled in Council of War*, May, 1777.

"Warriors, you are free—Go forth in the might of your valour and your cause; strike at the common enemies of Great Britain and America—disturbers of public order, peace and happiness—destroyers of commerce, parricides of the state. The circle round you, the Chiefs of his Majesty's European forces, and of the Princes his allies, esteem you as brothers in the war. . . . I positively forbid bloodshed, when you are not opposed in arms. Aged men, women, children, and prisoners, must be held sacred from the knife or hatchet, even in the time of actual conflict. . . . In conformity and indulgence to your customs, which have affixed an idea of honour to such badges of victory, you shall be allowed to take the scalps of the dead, when killed by your fire in fair opposition; but on no account, or pretence, or subtlety, or prevarication, are they to be taken from the wounded, or even dying. . . . Should the enemy . . . dare to countenance acts of barbarity towards those who may fall into their hands, it shall be yours to retaliate."—*Speech of Lieutenant-General Burgoyne to Warriors of the Iroquois, Algonkin, and Ottawa Indians, assembled in Congress at the Camp upon the River Bouquet*, June 21, 1777.

BURGOYNE's difficulties now began.

The long delay at Skenesborough, for which he was soon to be so severely blamed, was caused by the want of transport, and by the excessive difficulties of the advance. Already by July 11 he had discovered that he had "to clear roads and make bridges," if he would get to Fort Edward. All military movements were

crippled by the numbers of men employed night and day in dragging bateaux over the carrying-places. On July 11 he writes that his men had been without provisions for two days. He had neither tents nor baggage—there was plenty of everything in the ships on the Lake, but neither horses nor carts to convey it to the army. He had counted on the Canadians as carriers, but they did not come. In private letters he says that about one hundred Provincials had joined him. And the Indians already gave him great anxiety.[1] In spite of his dreadful speeches and threats, no more humane officer ever wore a British uniform. He abhorred the practice of flogging, and would do anything rather than order a soldier to be flogged—rather would he invent some other ingenious but not cruel punishment. He had his reward. The troops he led to defeat and surrender never turned on their General. They loved him as an unfortunate Commander is seldom loved. His kindness of heart, and his personal gallantry, atoned for all his weaknesses.

The toil of clearing a road was incredible. Sometimes the men marched up to their knees in water. Schuyler had had trees cut down everywhere, and their branches interlaced. "Every ten or twelve yards," says Anburey, "great trees are laid across the road, exclusive of smaller ones. . . . You would think it almost impossible, especially when it is considered what a hasty retreat they made of it." The road from Skenesborough was "a continuation of woods and creeks," and besides these, the "watery grounds and marshes" were so numerous, that the army constructed forty bridges to pass them—one, over a great morass, was nearly two miles long. As for the "savages," their assistance "is little more than a name." They could not be got away from the plunder of Ticonderoga. They had to be indulged in all their caprices, and, "like spoiled children," are more unreasonable the more they are indulged. Burgoyne had said, "were they left to themselves, they would be guilty of enormities too horrid to think of." Anburey was hoping better things from the Ottawas, now coming up under St. Luc and Langlade. They were said to be braver and more tractable, and "to profess war and not pillage." A good many Provincials had come in at Skenesborough, "professing themselves loyalists," says Anburey dubiously. On the march the enemy gave little trouble—a few straggling parties were easily repulsed.

[1] In commenting on the Conduct of the War in Canada, the King had written "Indians must be employed, and this measure must be avowed directly."—Albemarle's *Life of Lord Rockingham*.

Burgoyne's army was of excellent material, but far too small for the work required of it—and yet a larger army would have required more provisions still. He had been most reluctantly compelled to "drain the life-blood of my force," by leaving behind General Powell and two regiments to garrison Ticonderoga, and to occupy a line of posts fifteen miles long, from Lake George to Pulteney. He tried to get more men from Carleton, but Carleton had only 3000, and his orders to keep them all were peremptory. With real magnanimity, Burgoyne recognises Carleton's inability to help him. He had another and still greater reason for anxiety — he had heard nothing from Howe.

At the rate of about a mile a day, he advanced to Fort Edward. A part of his army crossed Lake George, and encamped on Mile Island (where they saw and killed a great number of rattlesnakes).[1] The Americans had abandoned Fort George. On July 31 this division reached Fort Edward, and saw the Hudson, with loud shouts of joy. Here St. Luc's Indians joined, and caused the army a pleasant surprise by bringing in a wounded Provincial officer, *alive*. But their joy was of short duration. In a day or two these much belauded savages did a deed which was a greater misfortune to Burgoyne than the loss of a battle.

Jennie McCrea was the daughter of a loyalist clergyman near Fort Edward. She was betrothed to a young Provincial officer, named Jones, now serving with Burgoyne. It was long believed that Jones sent some Indians to bring her safely into camp, knowing that her brother was about to take her to Albany. But this was not the fact—Miss McCrea and a Mrs. Campbell, also a staunch loyalist, a cousin of General Fraser, were seized by the Indians in their own house, just as they were about to start for Albany. There is no doubt whatever that the Indians intended to bring her in as a prisoner, and obtain the money paid for prisoners. Unfortunately, near Fort Edward, a party of loyal Provincials came out to the rescue.

The Indians hurried the ladies off in different directions. Mrs. Campbell was brought into camp unhurt, but Miss McCrea was never seen alive again, and presently another party of Indians brought in her scalp. The details were never certainly known—some said that a quarrel arose between the two parties of Indians for the possession of the prisoner, and that the disappointed party shot her in a rage; others said she was shot

[1] Anburey.

by accident in the scrimmage. The only consolation was the hope that she was dead before she was scalped.[1]

The dreadful story spread like wildfire. These were the creatures with whose vengeance the British General was always threatening the rebels in his proclamations — creatures who scalped the King's friends and his enemies alike! Every man, woman, and child who heard the story became the fierce enemy of Burgoyne and his army.

That unhappy General was furious. By this time he loathed the "savages" from his very soul. He demanded the murderers—they must be given up to justice. But St. Luc promptly intervened, and told him the Indians would not stand it. They were already heartily sick of the General's sermons on humanity, and of his restrictions on their hereditary privilege of plundering—they would desert in a body if he laid a finger on one of them, *and would massacre everybody, friend and foe, whom they came across as they went.* Burgoyne said he would rather lose every Indian in his army than connive at their enormities; but he dared not drive them to desperation—he was obliged to preserve appearances by saying he left the murderers to be punished by their own tribe.

"The General," says Anburey, "showed great resentment to the Indians upon this occasion, and laid restraints upon their dispositions to commit other enormities." Burgoyne was the more exasperated, because the Indians guilty of this offence were the very Indians of the remoter tribes, whom he had been taught to look upon as "more warlike," and less barbarous. "I believe, however," observes Anburey, "he has found equal depravity reigns through the whole of them." The Indians were no less offended, and from this time their tempers changed, and when they found plunder was really to be controlled they lost patience altogether. On the 4th of August they announced their intention of going home, and though the General remonstrated with them, they went next day, "by scores, loaded with such plunder as they had collected." The desertion went on till hardly one of them was left.

The army was now encamped on the heights above the river. A large quantity of stores and provisions had arrived from Ticonderoga, but the General had still to wait for bateaux.

But for the look of a retreat, he would even now have gone

[1] Poor Lieutenant Jones never recovered the shock. He left the army, and wandered about, carrying with him the scalp of his betrothed—adorned with long and beautiful black hair. He fell into "a melancholy," and died in a year or two.

back and taken the route by Lake George, and bitterly was he reproached afterwards for not doing so—but only by the arm-chair critics. His army better understood his dilemma. The crossing of Lake George by the army would have absorbed all his bateaux; and how were his provisions to be carried? At Fort George communication by water ceased; thence everything must still have been carried for sixteen miles. And those sixteen miles might well have meant sixteen days.[1] With a heavy heart he sent back all superfluous baggage to Ticonderoga (there was a great deal of it, and in a General Order he reminded the army that "in the last war in America" officers did with a knapsack for a month together). When it had gone, "many had only a little tent or a valise." He wrote to Carleton that he thought the enemy would fall back on Saratoga, "where I mean to attack them if they stand. *I have no news of Sir William Howe.*"

This is the first mention of Saratoga. Already Schuyler and Arnold were collecting an army there.

Burgoyne had sent no fewer than ten messengers to Howe, with promises of great rewards if they brought back news; but not one of them had ever returned. Burgoyne knew absolutely nothing of Howe's position or intentions. Little did he dream that the Commander-in-Chief had gone off to take Philadelphia, and was at that very moment tossing at sea off the Capes of Virginia!

He was beginning to be most seriously uneasy about provisioning his army. Schuyler drove off nearly all the cattle—this retarded him, but he thought it could not "finally injure" him. But he was obliged to request Riedesel not to let his men keep the cattle they seized, but give them up to the Commissary, as do the British troops with all they take, and they complain of having to eat salt meat when they see herds of cattle in the hands of the Germans. There was some friction between British and Germans over this.

Burgoyne had still two great rivers to pass—the Hudson and the Mohawk—or, if the Mohawk should prove impassable, then to ford the Schenectady—fordable except after heavy rains. Almost the least the soldiers must carry was 60 lbs., what with knapsack, provisions, hatchet, arms, and accoutrements. The Germans went heavier still—in addition, they had a cap "with a very heavy brass front," an enormous sword, a canteen "that cannot hold less than a gallon, their coats very long-skirted. Picture to yourself a man

[1] Fort George was at the head of Lake George. Fort Edward was sixteen miles from it, near the angle formed by the Hudson, which there first becomes navigable.

in this situation," says Anburey, "and how extremely well calculated he is for a long march." No wonder that the men could hardly be induced to carry their own provisions, and, when they thought they should get fresh at the next encampment, sometimes emptied their haversacks "into the mire." Anburey had often heard them exclaim, "Damn the provisions! we shall get more at the next encampment; the General won't let his soldiers starve!"

More provisions must now be brought forward—but how can this be done without carts? And there is only one carriage road to Albany, and that goes over "deep and wide gullies," where the bridges are broken, and the river is on one side, and a "perpendicular" wooded precipice on the other, from which the enemy can throw things down on us. There can nothing go but what the men can carry on their backs, nor can "the smallest ammunition tumbril" be carried with the army. It is with the greatest difficulty that it can be victualled from day to day. "For one hour that the General can devote in contemplating how to fight his army, he must allot twenty to contrive how to feed it!"

There were a few ladies with the army. The names of two of them will be remembered as long as the campaign. The Baroness von Riedesel had braved the horrors (and horrors they were) of a voyage to Canada with her three young daughters—the eldest only five years old, and had esteemed herself only too happy to be permitted to join her husband. When Burgoyne moved down on the Hudson, she feared she would be left behind, but as Lady Harriet Ackland was allowed to go, she also obtained permission. There were two other wives of officers, and there was a considerable number of the women, honest and otherwise, who follow an army. The Baroness' account of the march enables us to understand what it really was like. At first victory seemed certain, but gradually disquieting doubts arose—above all, the Baroness was disturbed to find that everything was known. The officers' wives knew all about every expedition beforehand. She was the more surprised, because she had noticed in the army of Prince Ferdinand, in the Seven Years' War, that "all was kept so secret." But here, the Americans knew everything too, "and were always ready where we came."[1]

[1] "I had the surprise and mortification to find a paper handed about at Montreal publishing the whole design of the campaign almost as accurately as if it had been copied from the Secretary of State's letter. My own caution has been such, that not a man in my family has been let into the secret. Sir Guy Carleton, I am confident, has been equally discreet." — *Burgoyne to General Hervey*, May 19, 1777. Fonblanque suggests that Germaine, "who never could keep council," had talked.

The Baroness travelled in a large *calèche*, with her three children and her two women, one of whom was always bemoaning her fate in coming to this terrible country, while the other trembled in silence. For weeks, when on the march, Riedesel never slept in a bed or undressed—a laborious, conscientious man, prudent and secret, as became an officer of Prince Ferdinand.

CHAPTER LXIV

THE TURN OF THE TIDE

"At this time I knew nothing of his engagement being over (Baum's). If Colonel Skeene knew it, I cannot conceive what his reasons were for concealing it from me. If I had known it, I should certainly not have engaged the enemy. I had scarce passed the bridge 1000 yards when I perceived a considerable number of armed people, some in jackets, some in shirts, who were endeavouring to gain a height which was on my left flank. I shewed these people to Colonel Skeene, who assured me they were royalists, and rode up towards them, and called out, but received no other answer than a discharge of fire-arms. . . . The troops did their duty . . . all the ammunition was expended . . . the horses were all killed, and if even one had been left alive, it would not have been possible to have moved him. In order not to risque everything, as I could not return the enemy's fire, as soon as it was dark I retired over the bridge, which I broke down, brought off as many of the wounded as I could, and in company with Colonel Skeene, arrived about 12 o'clock at Cambridge. . . . This is the best account I can give of this whole affair. The loss of my cannon gives me the greatest concern . . . could I have saved my cannon, I would with pleasure have sacrificed my life."—*Lieutenant-Colonel Breyman's Account of Bennington.*

". . . scouts came in with the *account of the first number swelled to* 2000; immediately after a third, that General Burgoyne's army was cut to pieces, and that Arnold was advancing by forced marches with 3000 men. . . . I begun to suspect cowardice in some and treason in others. . . . I learned that 200 (Indians) were already decamped; in about an hour they insisted that I should retreat, or they would be obliged to abandon me. I had no other part to take. . . . On my arrival at the Onondago Falls, I received an answer to my letter from General Burgoyne, which shewed . . . the treachery that had been practised upon me . . . there was not an enemy within 40 miles of Fort Stanwix."—*Colonel St. Leger to Sir Guy Carleton,* Oswego, Aug. 27, 1777.

AND now Burgoyne was to experience the fortune of war. To clear the way to the Mohawk, he sent St. Leger to take Fort Stanwix, and having heard that there were great numbers of waggons and oxen, and quantities of stores, at Bennington, twenty-five miles off, on the Connecticut River, he resolved to surprise it. Colonel Baum, of Riedesel's division, was sent with 550 men, mostly Germans, but a few Indians.[1] Riedesel seems to have been the

[1] A few Indians seem to have remained with the army; they are mentioned

first to suggest this attempt, but was against it when he found so few were going. Riedesel says that he was never consulted, nor informed of plans—as no doubt he considered the due of the trusted officer of so great a General as Prince Ferdinand. Burgoyne called few or no Councils of War during his march—as he afterwards alleged, because he considered his orders to advance to Albany so peremptory as to admit of no discussion. Riedesel drew up instructions for Baum—all on the side of extreme caution. Bennington was the great depôt of corn, flour, and cattle for the American army in the north. It was guarded by militia, who were changed every day. Burgoyne had been assured by "those who knew the country" that there were many loyalists. He sent one British corps—the select light corps of the army, commanded by Captain Fraser, the General's nephew. And that "famous marplot," Colonel Skeene, went to help Baum distinguish between loyalists and rebels.

Baum started, and on the 10th of August yet another regiment was sent back to garrison Ticonderoga. Meanwhile the army had moved on to "Duer's House";[1] and there, on the 15th, Burgoyne heard that Baum had been attacked near Bennington by a superior force, and was hard pressed. Breyman was at once sent to support him. But the heavy cap-pieces and huge swords of the Germans kept them back—they were from eight one morning to four the next afternoon marching twenty-four miles, and arrived too late.[2]

Quite by chance it happened that the redoubtable John Starke, with 900 of the Connecticut Militia, were at Bennington that day. Reinforced by Warner, and by the Berkshire Militia, Starke stormed Baum's entrenchment, before Colonel Skeene could make up his mind that they were not an army of Provincials coming over to the King. The battle began at 3 p.m. and lasted two hours. It was

occasionally, but, after the murder of Miss McCrea, seldom as taking part in military operations.

[1] Mr. Duer had married one of Lord Stirling's daughters.

[2] Had my instructions been followed, or could Mr. Breyman have marched at the rate of two miles an hour any given twelve hours out of the two and thirty, success would probably have ensued—misfortune would certainly have been avoided."—Burgoyne, *State of the Expedition.*

"Yet those poor devils did you pitch on for a flying expedition through the woods. . . . The command of this expedition was given to Colonel Baum, a brave man and good officer in his way, but just as much qualified for this service as an Indian Chief for the command of an army in Flanders."—*Matter of Fact.* (A tract published at the time of the Enquiry into the Conduct of the War.)

a hard fight. Starke's men charged up the hill, and pressed within eight feet of Baum's artillery to shoot down the gunners. Baum fell sword in hand, and every man of his force was killed or taken. "The Indians to a man, and most of the Canadians, ran away, St. Luc and Langlade among the first, and, scarce stopping at the army, fled on to Canada." Just as the action was over, Breyman came up. The militia were in confusion, and Breyman might have avenged Baum, but Warner came up with fresh troops, and a second action began, and continued till night, when Starke was obliged to cease pursuing, lest his men should fire on each other in the dark. Breyman lost all his cannon; there were over 500 prisoners; and 900 of the famous swords, and 1000 stand of arms, became the prey of Starke. Burgoyne was awakened at daybreak of the 16th by the news that Baum had surrendered—later, word came that Breyman too was hard pressed. The whole army prepared to move to his aid, and was at Batten Kill when a message came that Breyman was returning, but Burgoyne had already forded the stream with the 47th, and he pushed on till he met the defeated force. It was a great disaster. The whole loss in killed, wounded, and taken was not much less than 1000 men. And he had not even obtained any stores. And on the heels of this came news of St. Leger's ignominious failure before Fort Stanwix.

Fort Stanwix—called, of late, Fort Schuyler—was built on the site of an old French fort. It was on the right bank of the Mohawk, where that river becomes navigable, and commanded the carrying-place between Upper Canada and the Mohawk Valley.[1] It was garrisoned by about 750 New York and Connecticut troops, under Colonel Gansevoort, a Dutch New Yorker, who had served under Montgomery. St. Leger had with him 100 men of the 34th, 200 of Sir John Johnson's loyalist corps, the Greens, and 300 or 400 Germans, and was to be joined by 500 Indians. He started on the 1st of August, and on the 3rd appeared before Fort Stanwix and summoned it to surrender. On the 5th he invested it. The same day General Herkimer, the veteran commander of the militia of Tryon County, sent word to the garrison that he was eight miles off, with about a thousand militia, waiting to relieve them. The messengers were delayed in getting into the Fort, and Herkimer waited in vain for the signal he was to receive. His officers became impatient, even insubordinate. A brother of Herkimer's was with St. Leger, and one of the officers exclaimed that the General was either a Tory or a coward. "I am

[1] Evidence of Colonel Kingston before the House of Commons, 1779.

neither," said the old General. "I feel towards you all as a father, and will not lead you into a scrape from which I cannot extricate you." But he gave way, and they marched without the signal which was to assure them that the garrison knew they were coming. Herkimer was offended, and refused to take the precautions suggested by his officers. At ten in the morning they came to a place where the road descended into a ravine. Here the Indians fell upon them, together with some of Johnson's Greens, and a company of Rangers under the ruffian Colonel Butler. Brant led the Indians.[1] It was a well-planned ambuscade—the Greens were to attack in front, and the Indians in rear, at the moment when half Herkimer's force should have crossed the bottom of the ravine.

But the Indians could not wait, with horrid cries they fired at the same moment as the troops, and rushed on, flourishing their tomahawks. Herkimer's rear-guard—not yet in the ravine—retreated. His main body, though taken by surprise, fought gallantly, each side taking post behind trees—an Indian battle. Herkimer was wounded early—a ball killed his horse and shattered his leg. He made his men place him with his back to a tree, and continued to give orders. The regulars tried to charge with the bayonet, but the Americans repulsed them—forming in circles back to back. In the midst of it a violent storm came on, with thunder and lightning. The Americans used the lull in the other storm to change their ground, standing in pairs behind trees—for the Indians' way was to wait till a man had fired, and then rush in and tomahawk him before he could re-load. It was a fierce fight. Old neighbours met there in mortal combat—men were found afterwards still grappled in death, with their knives in each other's hearts. The savages were seized with blind fury when they saw their Chiefs fall, and many of Johnson's Greens were killed by his own allies.

At last the Indians gave the signal for retreat—"Oonah! Oonah!" and fled into the woods. The Greens heard firing in the direction of the Fort, and hurried back, and the Americans retreated, carrying their wounded with them, to Oriskany, whence they had started. They had lost 200 killed—St. Leger perhaps more still.[2]

Herkimer's messengers had reached the Fort between ten and eleven o'clock, and Gansevoort had instantly fired the three guns

[1] Brant's sister, widow of old Sir William Johnson, had sent word to Brant of Herkimer's coming.

[2] Herkimer died a day or two after the battle.

which were to be the signal, while Colonel Willett with 250 men went out to make a diversion. He fell upon Johnson's encampment, and drove him and the Indians to the river. He sacked their camp, and loaded waggons with all he found—including Johnson's papers—and re-entered the Fort safely, just as St. Leger came up with a reinforcement.

St. Leger next tried to frighten the garrison. He made his prisoners write letters about the late affair, and the impossibility of succour for the Fort—Burgoyne was probably already at Albany. With this letter St. Leger sent the usual threat—the garrison had better surrender—if compelled to storm, he could not control the Indians, who had sworn fearful reprisals for their Chiefs slain at Oriskany. They had sworn to slaughter the garrison, and lay waste the whole valley of the Mohawk. This failing, St. Leger next sent an appeal to the inhabitants of Tryon County, signed by Johnson, Butler, and others, advising them to send a deputation to the garrison to overcome its "mulish obstinacy"—otherwise the whole district would be ravaged. But the garrison was neither to be frightened nor persuaded into surrender, it was too strong to be taken by assault, the ramparts were of earth, and St. Leger's artillery was light. He began to make regular approaches. Then Major Willett volunteered to go to Schuyler for help. On the 10th, after dark, he slipped out at a sallyport, crossed the Mohawk on a log, and on the 12th reached Schuyler's camp at Stillwater. A Council of War was called. Most of the officers thought the army too weak—some even hinted that Schuyler had a treacherous motive in proposing to send away a reinforcement to Fort Stanwix. Schuyler, stung to the quick, said he took the responsibility on himself, and asked who would lead the relieving force? "I will!" said Arnold, and he set off next day with 900 volunteers, and caused a rumour to go before him that he was coming with 2000 men.

St. Leger's Indians were growing dissatisfied—they did not understand fighting with spades, they had had no plunder, and had lost several of their best Chiefs. Now came a report that Burgoyne had been defeated—one of Arnold's spies, with his coat carefully riddled by shots, brought this news, and told the Indians that as many Americans were coming as the trees had leaves. "Savages" never stand by a losing cause—the Indians began to desert, first, however, plundering the British officers. Most of them made off that same afternoon. Those who stayed threatened to go unless St. Leger retired—he must go that very night. And they seized the officers' liquor and made themselves very drunk. St. Leger did not

wait for night—he started at once, leaving behind his tents, artillery, and baggage. The garrison made a sortie, and pursued him; but his own Indians were the worst—they plundered such baggage as he had saved, murdered stragglers, and amused themselves by giving false alarms that Arnold was upon them. The soldiers, by this time in a panic, would throw down muskets and knapsacks and take to flight—on which the Indians acquired what they had flung away.[1] St. Leger had got to Onondaga Falls before a letter from Burgoyne informed him he had run when no man pursued, for when he raised the siege in such a hurry Arnold was still forty miles off! St. Leger could not even rejoin Burgoyne. He went back to Montreal, and thence to Ticonderoga, hoping to work round into Burgoyne's line of march, but he never got farther south than Ticonderoga. The remorseless St. Leger—the terror of the Americans, as his namesake of a century before had been of the Irish—ended his career of devastation by a ludicrous fiasco.

The Indians were a total failure. They had suffered severely in the fight with Herkimer, and they highly resented the restraints placed by Burgoyne on their immemorial right to torture their prisoners. They were in a dangerous temper, more terrible to friend than to foe. For this had Burgoyne endured the humiliation of being publicly presented with a hundred scalps!

In his General Orders after Bennington, Burgoyne attributes that disaster in part to the "credulity of those who managed the department of intelligence." This refers to Colonel Skeene, who had shown his papers to every man who pretended to be friendly, and thus, as Hadden says, allowed the rebels to know his numbers and all about the expedition. There was general recrimination—Breyman was charged with purposely arriving too late, on an old grudge against Baum, but there seems to

[1] "A Letter from a Gentleman in Quebec," dated September 6, 1777, gives an account of the "savages" in St. Leger's ambuscade, and of the fighting around Fort Stanwix, which conclusively condemns their employment. St. Leger was four days without food or drink on his flight! The savages had taken everything—casks of liquor, etc., and as they were double the number of the British, these dared not oppose them. A day or two afterwards, some of these Indians went to a house where were a woman and her daughter, aged eighteen, and "butchered them." Burgoyne condemned them to death by a court-martial, but the Chiefs "remonstrated," and he pardoned them on promise of amendment! In a day or two, however, all but 50 went home. This writer says 1000 savages went with Baum.

"It is reported that the Indians have begun scalping on the Ohio, and that the Commanding Officer at Detroit offers 20*l.* a scalp."—*Gentleman's Magazine*, 1776, p. 234.

be no real foundation for this charge — it rests on hearsay reports of words perhaps never uttered, or if uttered, merely the result of momentary irritation. It is not necessary to suppose malignity — fatigue is an ample explanation. Those enormous swords, and the whole martinetish system of the Germans, more than account for the slowness of Breyman's advance — it was seriously asserted that his men halted ten times an hour to re-dress their ranks. Riedesel was against sending Breyman after Baum.

Besides all the other disastrous consequences of Bennington, it caused further delay. On the 20th of August Burgoyne wrote the despatch which caused so much surprise and disappointment in England—setting forth his troubles—bad weather, bad roads, the horses not arrived, scarcity of provisions, which had led him to make the unfortunate attempt on Bennington. Then the failure of that attempt, the death of Baum, the capture of nearly 200 of the Brunswick dragoons, and four pieces of cannon; he was, however, assured that the enemy's losses were double his own—prisoners and deserters who had witnessed the burial of the dead had given him this comforting information. But Burgoyne owns that he does not trust "the professing loyalists"—most were only trimmers. "The great bulk of the country is undoubtedly with the Congress." "The Hampshire Grants, in particular . . . now abounds in the most active and most rebellious race of the continent, and hangs like a gathering storm upon my left. . . . Another most embarrassing circumstance is *the want of communication with Sir William Howe.*"

By this time Burgoyne knew that two of his messengers had been caught and hanged. Only one letter had come to hand, no operation had been undertaken in his favour, and Gates, "with an army superior to mine," was strongly posted near the mouth of the Mohawk River. Burgoyne wished he "had a latitude in his orders"—he would then wait where he was, or get back to Fort Edward, where his communication with Fort George would be secure. But his orders were positive, "*to force a junction with Sir William Howe.*" The "orders" were the orders of Germaine himself. It is impossible that Burgoyne could have written thus to Germaine, if this statement had been untrue.

The same mail (an armed transport from Quebec) brought also St. Leger's letter, describing his "complete" victory over Herkimer.[1] The next mail brought news of his equally complete failure. The

[1] ". . . over whom the Indians had obtained the compleatest victory, laying above 400 dead on the field, among whom were almost all the principal movers

British public could not understand it. Why were the victories never followed up? People began to write to the Magazines, blaming and excusing Burgoyne.

Burgoyne dreaded the moment of passing the Hudson, because from that hour "all safety of communication ceases. I must expect a large body of the enemy from my left will take post behind me." "I little foresaw that I was to be left to pursue my way through such a tract of country, and hosts of foes, *without any co-operation from New York.*" Could he but reach Albany! He found himself in a cruel dilemma; whether he went on, or went back, he might lose an army—his own, if he went forward, Howe's, if he retreated and Howe came up to Albany!

Meanwhile he was collecting supplies, and at last, on the 13th[1] of September he crossed the Hudson near Batten Kill, by a "bridge of bateaux," and encamped at Saratoga. His General Orders warned the troops that they might be required to fight at any moment. The army had provisions for thirty days. The place where they encamped was a plain, where stood a fine house belonging to General Schuyler. On the 15th they moved on to Dovecot, and on the 17th they encamped "on advantageous ground" about four miles from the enemy, who were strongly posted at Stillwater, nearer to Albany.

Everyone knew that an action was imminent. Phillips had called the artillery officers together, and exhorted them not to waste their ammunition by aimless firing. Even should the commanding officer of a battalion give them orders, they must not carry them out to the wasting of ammunition, for they could not possibly get any more.

On the 18th the enemy appeared in force, to obstruct the men who were repairing bridges. The British were now at Sword's Farm, two miles nearer the Americans. All their marches of late had been very difficult, all roads and bridges had to be mended, and very careful reconnoitring was now necessary. To make things worse, here the Hudson winds so much that the mountains are now near, now far from the stream, and so the columns were obliged to march both on the plains and the

of rebellion in that county; that he had nothing to apprehend that could retard his progress in joining the General but a rumour of a reinforcement of what they call their regular troops by the Mohawk river, and therefore praying a diversion . . ."—"Thus far all goes well with Col. St. Leger; but the next news we hear of that commander is . . . that finding Fort Stanwix too strong for him . . . he had given over the attempt," etc. — American News, *Gentleman's Magasine*, November, 1777.

[1] Hadden's Journal gives the 13th. The 14th is the day most often given.

heights, and were always half an hour's march from each other, and often unable to close up—while the woods were so thick that in the battle which followed parties had sometimes been engaged for an hour, unaware that other parties of their friends were engaged close by.

CHAPTER LXV

FREEMAN'S FARM

"I think it a duty of justice . . . to take upon myself the measure of having passed the Hudson's River, in order to force a passage to Albany. I did not think myself authorised to call any men into council, when the peremptory tenor of my orders and the season of the year admitted no alternative. . . . The General officers, from the mode of fighting, have been more exposed than in other services. Among the rest I have had my escapes. It depends upon the sentence his Majesty shall pass upon my conduct; upon the judgment of my profession, and of the impartial and respectable parts of my country, whether I am to esteem them blessings or misfortunes."—*Burgoyne to Lord George Germaine*, Albany, Oct. 20, 1777.

GATES was now in command of the Provincial Army, which by the beginning of September numbered about 10,000 men. Morgan had arrived, and Washington had also sent artillery. Schuyler, after assuring Gates that no personal feeling should prevent his giving all the aid in his power, had gone to Albany, and was exerting his influence to prevent the Oneida Indians from joining the British. Arnold commanded Gates' left wing, and Gates and Arnold soon quarrelled. Their tempers were incompatible—Gates was slow and cautious, Arnold was daring; he thought Gates had no enterprise, and Gates thought Arnold had no prudence. Arnold did not conceal his contempt for the new Commander-in-Chief; and Gates, a fussy martinet, made no allowance for Arnold's impetuosity.

Gates intended to await Burgoyne's attack. After Bennington the whole country rose. Men came in daily, till there was not an able-bodied man left in New England—they were all gone to repulse Burgoyne.

As every day's delay increased the danger of supplies failing, Burgoyne resolved to force an action.

The American army lay on the ridge of hills called Bemis' Heights. In ancient days, the only tavern between Fort Edward and Albany stood there. Kosciusko had fortified it with entrenchments three-quarters of a mile long, and redoubts

and batteries which commanded the valley of the Hudson, and even the hills across the river, here comparatively narrow. Gates had formed his army in two lines—the right commanded by himself, and the left by Arnold. The right wing occupied the ridge next the river; the left was on a high ground intersected by a deep ravine, with a saw-mill in the middle. Both positions were covered by dense forest.

Between nine and ten on the morning of Friday, the 19th of September, 1777, the British army advanced in three columns. The left was in two divisions—four German regiments, under Riedesel, and the 47th and the artillery and baggage under Phillips.

It marched through the meadows by the river. The centre, led by Burgoyne in person, marched parallel with the left, through woods, towards the great ravine; while Fraser, with the right, supported by Breyman, made a circuit, so as to pass the ravine without quitting the heights. The Canadians, loyalists, and Indians went in front and on the flanks. With something less than 200 Provincials, about 80 Canadians, and the remaining 50 savages—all that had remained—the army reckoned about 6000 men.

Riedesel's advance by the river was very slow—every moment bridges must be made and trees cleared out of the way. About one o'clock he heard firing, which seemed to come from the direction of Burgoyne's column. At half-past two the firing was renewed, far stronger. As he had received no message from the Commander-in-Chief, Riedesel sent an aide to ask for orders. In about three-quarters of an hour the aide returned with the order to make the best arrangement he could to cover the bateaux, and then to come to the aid of the centre, by falling on the enemy's flank.

The centre, meanwhile, had marched for about an hour, when it reached the great ravine with the saw-mill. This was passed without opposition, and the opposite height was gained. Here Burgoyne halted for nearly an hour, to give Fraser time to come up. During this halt, the advanced sentries exchanged shots. Between one and two the signal for advance was given, and Major Forbes advanced with the pickets and the 9th, but was repulsed with loss by Morgan, and the Canadians and Indians were dispersed. Some of the rest firing wildly and killing some of the fugitives, Major Kingston, to stop it, ordered up Lieutenant Hadden, who was serving two guns on the left of the 62nd—"by which accident I fired the first shot

from the main body of this Army." About 2 o'clock the centre reached the open space opposite Freeman's Farm, and the rest of the action was a furious struggle to retain or to regain this position.

Fraser, coming up, took possession of an advantageous height on the right. The centre now passed a small bridge, and took post in the outskirts of a wood held by the Americans, who immediately attacked with great vigour, and for three hours the fight was sustained by the 20th, 21st, and 62nd; Fraser also being attacked, and the centre hard pressed.

As soon as Phillips heard the firing, he broke up through the wood with four pieces of artillery. By this time Hadden had lost in killed and wounded 19 of his 22 artillerymen. He was asking General Hamilton for a supply of infantry, to go on working the guns, when his cap was shot through. Hamilton referred him to Phillips, who sent Captain Jones with a reinforcement. But in a few minutes all these were wounded—Jones mortally. The 62nd had suffered terribly, and lost nearly half its men. It now tried to charge, but lost 25 prisoners, and began to get into confusion. Hadden tried to save his guns, but he and the remnant of the 62nd were swept off the hill. At this moment Riedesel came up with seven companies, and charged the enemy; the British rallied, and the hill and guns were recovered. Phillips and Riedesel charged again, and Riedesel believed that if night had not come on it would have been easy to rush the American camp. Just as the light closed the British were left masters of the field.

This is the British account. Burgoyne does not mention his losses—they were heavy, especially in officers, whom Morgan's rifles picked off with fatal precision. The 62nd, who left Canada 500 strong, had only 60 men and four or five officers remaining under arms. Of three officers of the 20th who were buried in one grave, the eldest was only seventeen years old. The dreadful business of picking up the wounded and burying the dead is vividly described by Anburey. The night after the battle, besides all the other alarms, the camp was disturbed by a great noise like the howling of dogs, to the right of the encampment. It was supposed to be a feint of the enemy, to draw off attention from some other attack. Next night the noise was heard again, and General Fraser thought it was the officers' dogs, and ordered them to be confined to tents—the Provost to hang up any he found running loose. But on the third night the noise was louder than ever, and a detachment of Canadians and Provincials

was sent to reconnoitre—who found that the noise was the howling of wolves as they scratched up the corpses.

The day after the battle Burgoyne took a position nearly within cannon-shot of the enemy, and fortified his right, extending his left to cover the meadows, "through which the great river runs," and where the bateaux, hospitals, and magazines were. The 47th guarded them, and strong redoubts were being erected for their protection. Burgoyne found he had gained nothing but honour by his victory; "the enemy working with redoubled ardour to strengthen their left; their right was unattackable already." He had now for some days been obliged to send out whole regiments to protect his workmen and pioneers.

At last, on the 21st, a messenger arrived with a letter in cypher from Clinton. It was dated the 10th, and said that the writer would start in about ten days to attack Fort Montgomery. This was the only messenger who had reached the camp since the beginning of August. He was sent back the same night, with a letter in a hollow silver bullet, to tell Clinton of the situation of the army, and the necessity of a diversion to oblige Gates to detach part of his force—Burgoyne promising to "wait favourable events," if possible, till the 12th of October. The messenger set off, and got to Fort Montgomery—where Burgoyne had made sure that Clinton would be, and asking for "General Clinton," was brought to him. But it was the wrong General Clinton—the rebel General, late Provincial Governor of New York. The unhappy messenger swallowed his bullet, but an emetic was administered to him, the despatch was recovered, and the bearer was hanged as a spy.

In the course of the two following days two officers in disguise, and other confidential persons, were sent by different routes with verbal messages to Clinton, and Burgoyne continued fortifying his camp, and watching the enemy, whose numbers increased daily. Stronger and stronger parties had to be sent out foraging—and there was very little forage. Detachments often reconnoitred the enemy's right flank, but could never learn anything. On crossing the Hudson Burgoyne had broken off all his communications, but he received a small piece of bad news from Skenesborough—four companies of the 53rd had been captured. His provisions began to give in. On October 3 he issued his last General Order. It began: "There is reason to be assured that other powerful Armies of the King are actually in co-operation with these Troops"; but

as it is desirable to be prepared for continuance in the field, "without the delay of bringing forward further Stores, the ration of Bread or Flour is for the present fixed at one Pound." And to keep up their spirits, the same Order announced that the Deputy Paymaster-General would issue one hundred and sixty-five days' forage money to officers. The soldiers submitted very cheerfully to the short commons. Whatever were Burgoyne's faults, his troops loved him,[1] and never turned against him; and if neither Riedesel nor Phillips liked him, for this there was a reason. Both these distinguished officers had served in greater wars, and it was doubtless irksome to them to be subordinated to a General whose reputation was based rather on personal gallantry than on experience of large operations.

Riedesel was against hazarding another engagement.[2] He was for immediate retreat. The position was daily becoming more critical. Burgoyne was counting the hours till an unwonted movement in the American camp should tell him that news had come of Clinton's advance. He never doubted that an attempt would be made to co-operate with him—in that assurance alone he had risked his army. Could he have known that Germaine's orders to Howe were lying at that moment in a pigeon-hole at the Colonial Office!

Hitherto Burgoyne had called no Council of War, but on the 4th of October he sent for Fraser, Phillips, and Riedesel, and laid before them a plan—to leave about 800 men in one of the entrenchments, to guard the provisions and boats, and with the rest of his force to attack the enemy's rear. But the Council decided that, as they knew neither the roads, nor the real position of the enemy's left wing, it must be three or four days before they could come to an action, and the danger of leaving their depôts so long was too great. On the evening of the 5th there was another Council. Riedesel now declared plainly that the situation was such that it was impossible to march on the enemy, attack, and decide the affair, all in one day. His advice, therefore, was to retreat to Batten Kill, and repass the Hudson—there the army would once more be in communication with Fort George, and could afford to wait for whatever Sir Henry Clinton might do.

It is very doubtful whether Riedesel's plan would have re-opened communications with Fort George. Lincoln's army was now besieging Ticonderoga, there was another large body of

[1] See the Testimony of Sergeant Lamb.
[2] See his Memoirs.

the enemy on the heights opposite the ford of Saratoga, and 2000 more were already assembled on the west side to prevent a retreat to Fort Edward. The terrible difficulty about provisions was alone sufficient to make Burgoyne's situation desperate. It had been the real key to the position all along —he could never get many days' rations in hand, and in order to collect his thirty days' provisions for the thirty days that were to take him to Albany, he had been obliged to wait a month at Fort Miller and Saratoga. Moreover, since the battle of the 19th Gates had been reinforced. One day the British heard loud shouting in the American lines, and learned that it was for General Lincoln, who had come in with 2000 of the Massachusetts Militia.

Fraser agreed with Riedesel. Phillips declined to give an opinion. The unfortunate Commander, to whom the thought of retreat was hateful, said he would make "a reconnaissance in force," as near the enemy as possible, and see if the position could be taken. If it could, he would attack on the 8th, and hope to finish with the enemy in one day. If it could not, he would leave his position at Freeman's Farm, and retreat at once behind the Batten Kill. Riedesel says he did not approve, but there was nothing for it but to obey. On the 6th, foraging parties went out, and provisions for four days were issued. The die was cast, the decisive moment was at hand.

Before the eventful day, Arnold had quarrelled with Gates so violently that he had demanded and received his passport to go to Philadelphia. Gates had not mentioned him in his despatch about the battle of the 19th, and had followed up this unpardonable slight by letting Wilkinson—his satellite—take Morgan's rifles and Dearborn's Light Infantry from the left wing. Arnold went to Headquarters to remonstrate. There were high words. Gates said he did not consider Arnold a Major-General—he had sent in his resignation. Lincoln would arrive in a day or two, and then he would have no further occasion for the services of *Brigadier-General* Arnold, and would give him a pass for Philadelphia as soon as he liked. Arnold returned to his own quarters in a rage, and wrote to Gates for the pass, but by the time it came he had reflected that there was sure to be another battle presently, and resolved to stay for it. Now Lincoln arrived with 2000 of his force, the rest were still besieging Ticonderoga. It was already all but impossible for Burgoyne to retreat. Some of the General officers wanted to get up an address to Arnold to thank him for his services in the late action, but others, among whom was Lincoln—a sober, prudent

man—wished rather to reconcile the Generals. So it went on to the 7th.

Ever since the 19th of September Freeman's Farm—gained that day at so tremendous a cost—had been held by Fraser with the Grenadiers, and Balcarres with the Light Infantry. Balcarres had fortified his camp without waiting for orders, and had made it very strong, warning his men that their lives might depend one day on how they had done that small work. And so it proved, for but for the stand which Balcarres was able to make at that redoubt, Arnold would have carried the whole British camp by assault on the 7th of October.[1]

Burgoyne's intention, that day, was to find out what the American left was like, and whether he could possibly turn it, and so get away to Albany—his only chance, for the right was impregnable. He left Hamilton to guard the camp at Freeman's Farm, and Gall with the 2nd Brigade of Hessians to cover the redoubts by the river, the magazines, the hospital, and the bateaux, and with 1500 men—all he could spare from holding his other positions—he moved forward with Phillips, Fraser, and Riedesel. It was already past eleven. One of his officers says that he did not mean to begin too soon, as "in case we should not prove victorious, he had the night to favour his retreat." A secondary object was to get forage—of which the army stood in such urgent need; and soon the foragers were cutting straw in a wheat-field, half a mile from Neilson's house—the Americans could see them with their telescopes. At about three-quarters of a mile from the enemy's line, Burgoyne formed his troops, and sent forward Captain Fraser's Rangers[2] "to go by secret paths in the woods, and gain the enemy's rear, to hold him in check while the great attack was made."

But that attack was never made.[3] Before Burgoyne could advance "a very sudden and rapid attack" was made upon his own left, where Ackland was posted with the Grenadiers. As the enemy's column—Poore and Learned's brigades—came out of the

[1] *Lives of the Lindsays.*

[2] He was a nephew of General Fraser. His corps of sharpshooters was "the select light corps of the army, composed of chosen men from all regiments." (Burgoyne on the affair of Bennington, where the Rangers were the only British corps engaged.)

[3] Riedesel's account (which was signed by all the German officers) says, "While we were deliberating how we should push the reconnoissance, the enemy seized the left wing of our commando, where the English grenadiers stood in the wood, with great force, and routed it." The evidence of Captain Bloomfield at the Enquiry in 1779 shows that the action was lost in twenty minutes.

woods in front and left, they were received with a very heavy fire of grape-shot from the 12-pounders planted on a small eminence in the middle of a cleared space in the wood. But the Americans pressed on—fell back behind the skirt of trees, re-formed, and came on again, driving in the Germans, and throwing the whole Hanau regiment into confusion. In a few minutes the attack extended all along Riedesel's front—no corps could be detached to strengthen any other. Presently a large body of the enemy was observed on the right, marching round Fraser's flank to cut off retreat. It was Morgan. His onset drove back even Fraser for a moment, but Fraser rallied his men, and at once the Light Infantry and part of the 24th were formed in a second line, "to secure the return of the troops to camp"—for to that it had come already. Fraser on his iron-grey charger, in the showy uniform of a British general, was a conspicuous figure—too conspicuous, thought his aides, but he would not listen to them. Burgoyne, too, was in the thickest of the fight. Poore's men were charging among the cannon, with a disregard of grape-shot which astonished the British. One gun was taken and retaken four times. The last time Colonel Cilley leaped on it, and waving his sword above it, dedicated it "to the patriot cause."

The centre as yet held firm, though Specht and the 1st German Brigade were hard pressed. A little beyond the enemy's left there was an entrenched high ground, commanding their whole camp and lines. Could Burgoyne have taken it, and mounted his heavy artillery upon it, the rebels could not have remained in their camp an hour. Arnold knew this, and urged Gates to send a stronger force—in spite of his injured dignity, he had been unable to refrain from presenting himself that morning at Headquarters, and he stayed until Gates told him bluntly he had no business there. Arnold flung away with his aides, and fumed in his tent for an hour or two, scenting the battle from afar, and every now and then sending his aides to bring him word how the day was going. At last, seeing how the British centre held, and well aware of the danger of that high entrenched ground being occupied, he called for his horse, declared he would fight in the ranks, and set off at a gallop towards the front. Gates saw him go, and despatched Major Armstrong, one of his aides, to fetch him back—"lest he should do something rash."

As soon as the Americans saw Arnold, there was a great shout all along their line of "Arnold! Arnold!" He put himself at the head of Learned's brigade, and charged the British centre. At the second charge the Hessians broke—the whole British left gave

way, and the Light Infantry and the 24th only saved the entire right from being carried by a quick movement. Fraser was still desperately trying to rally his battalions—Morgan feared he would succeed, and told some of his best marksmen that that gallant officer on the grey horse must die. A few minutes later Fraser fell mortally wounded.

But still Arnold's berserker fury was not spent—he thundered all along the line, on the great black horse, urging the Americans to charge once more.

Both the British flanks had now been turned—Burgoyne saw that all which remained was to save his camp itself from being stormed. He sent word to Hamilton to man the works in his rear with every soldier he could spare from the front; and ordered Phillips and Riedesel to cover the retreat, while he himself prepared to defend the camp. Sir Francis Clerke was mortally wounded before he could give the order for the artillery to return, and the six guns were lost. All the horses had been killed, and most of the men killed or wounded. When Armstrong, who had been for two hours trying to overtake Arnold, came up to the clearing where the guns were, a terrible sight met him. "In the square space of fifteen or twenty yards, lay eighteen grenadiers in the agonies of death, and three officers propped against stumps of trees, two of them mortally wounded, bleeding, and almost speechless." The officer not mortally wounded was Major Ackland.

It was now after sunset, but the battle was not yet over. Burgoyne had not been a moment too soon. Hardly had the troops reached the camp, when Arnold was upon them again—storming the lines "with great fury, under a severe fire of grape-shot and small-arms." And now Balcarres' words to his men came true—with his Light Infantry and such troops as could throw themselves into the redoubt, he received the attack of what seemed to him to be the whole American army. His redoubt was stormed again and again, but not taken, as all the other works were. The entrenchments of the German reserve were carried at the point of the bayonet; Breyman fell fighting bravely at the head of his battalion. A strong abatis had been first carried. At the sally-port of Breyman's works there was another furious hand-to-hand struggle, and Arnold ordered a general assault, and dashed in at the sally-port. The Hessians broke and fled, discharging a final volley as they retreated. The great black horse lay dead inside the sally-port, and as he went down a wounded German fired from the ground point-blank at Arnold, and struck him above the left knee. An American was going to bayonet the German, but Arnold called not to hurt him—

he had only done his duty. It was at this moment that Armstrong came up with Gates' order to Arnold to retire.

Night came down. Burgoyne had drawn off to the heights above the hospital, that the enemy might at least have to form new dispositions before they attacked him again.

CHAPTER LXVI

THE NIGHT AFTER A DEFEAT

"I cannot sufficiently commend the activity, zeal, and spirit of the officers." —*Major-General Phillips to Lords Townshend and Amherst*, Albany, Oct. 22, 1777.

THE Baroness von Riedesel has left an account of this awful day, and of the night and days which followed.

For once, there was secrecy. The Baroness, who had invited Fraser and Phillips to dine with her that day, perceived at breakfast that something was afoot—there was much movement among the troops. "My husband told me it was a reconnoissance, which I did not like, because it happened so often now." As she went to the block-house that had been built for her, she was met by "the wildmen," in war-dress, and when she asked where they were going, they cried "War! war!" Then the poor lady knew there was to be another battle; and very soon she heard firing. It grew louder and louder—it became a terrible cannonade, till she was more dead than alive. About three in the afternoon, instead of her guests coming to dinner, poor General Fraser was brought in on a stretcher, mortally wounded. The dinner-table was taken away, and a bed put in its place. The poor woman sat in a corner, "shaking and praying." The noise got louder—every moment she expected to see her husband brought in like the General. She heard the General sigh, "Cursed ambition! poor General Burgoyne! my poor wife!" They prayed with him, and he gave them a message—to ask Burgoyne to bury him next day "on a hill which was a sort of redoubt." The whole floor, the whole house, was full of men sick of the "camp-sickness." At last, towards evening, Riedesel came—unhurt—and the Baroness forgot all her sufferings. He ate in haste, and was off again. The women had been told that the British had the advantage, but the faces they saw told another tale. And before Riedesel went he whispered to his wife that all had gone very badly, and she must hold herself

ready to start at any moment—but must let no one know this. Suddenly someone came to tell Lady Harriet Ackland that her husband was mortally wounded and taken. Night came on — Fraser was dying; the children — wrapped in blankets and sleeping in the entry — woke and cried, and poor Fraser kept begging the Baroness' pardon for giving her so much trouble. At eight in the morning he died. They wrapped his body in a sheet, and laid it on a bedstead, and there it was all day, while every moment wounded officers came in, and the cannonade was always going on. Retreat was talked of. At four in the afternoon the enemy was close on them. At six, Burgoyne, Riedesel, Phillips, and the staff gathered on the hill, to hear Chaplain Brudenel read the funeral service over Fraser; while the cannon-balls flew around that sad company. After a while Gates found out what was going on, and exchanged the cannonade for minute guns.

The order had been given that the army was to march immediately after the funeral. Those of the wounded who could not move were to be left in the "Lazareth," which was covered by a white flag. But all who could dragged themselves from their beds to go with the army, and Major Harnich, shot through the body the day before, persuaded the Baroness, for the children's sake, to get into the *calèche* with them, and not risk stopping to see what became of her husband. Perfect silence was ordered — fires were lighted, and left burning, as if the camp was still there. They marched the whole night. Fritzchen was frightened and wanted to cry, and her mother had to stop her mouth with a handkerchief.

At six in the morning they halted, and the General had the cannons arranged and counted — at which everyone wondered, as it lost time. Riedesel was so exhausted that he sat in the *calèche* — the women making room for him, and slept three hours with his head on his wife's shoulder. Other officers brought her their valuables to take care of. At last the army set out again, but had hardly marched an hour when there was another halt—the enemy had been seen. But it was only a party of about 200, reconnoitring. It rained — poured. Lady Harriet had her tent pitched. She was in despair about the Major; the Baroness advised her to go to him in the enemy's lines. With some difficulty Burgoyne consented. Brudenel went with her in the boat. They crossed the Hudson in wind and rain, but at last Lady Harriet reached her husband, and found his wound was not mortal.

The army spent the whole of the 9th in pouring rain, always ready to march. The "savages"—such as were left—were deserting, as rats leave a sinking ship. One of the Baroness' women tore her hat off, let her hair stream all over her face, and cried to her mistress, "It is all very well for you! You have your man—we have nothing but the prospect of perishing, or losing all we have!" Towards evening they came to Saratoga—only half an hour from the place where they had waited a whole day. They were drenched with the rain. The Baroness sat by a fire, and then lay down with her children on some straw. Phillips came to see her. She asked him why they did not continue the retreat, while there was still time, for her husband had pledged himself to cover it and bring back the army. "Poor woman!" said Phillips, "I admire you! Wet through as you are, you have still courage to wish to go farther in this weather! If only you had been our Commander! Ours thinks he is tired, and will stay the night, and give us supper."

The Baroness roundly asserts that Burgoyne made merry that night, spending it in singing and drinking, and amusing himself with the Commissary's wife, whose relations with him were notorious, and who was further said not to be averse to champagne. Next morning, to cover his retreat across the Fish Kill, he ordered the burning of all "the beautiful houses and villas" at Saratoga (the property of General Schuyler). "The greatest misery and the utmost disorder reigned in the army," says the Baroness. The Commissaries had forgotten to give out rations to the troops! There were cattle enough, but not one was slaughtered. Many officers were starving. The Baroness, who kept a store of provisions in the *calèche*, divided her tea, coffee, and provisions among about thirty wounded officers, who "could not hold out for hunger any longer." The Riedesels had a cook, who was "an arch-rascal," and finished by robbing them of everything at Albany, but he knew what to do in emergencies, and in the present emergency he used to slip across the streams by night and steal chickens, sheep, and pigs, which he sold to his masters at a good price. The Baroness exhausted her stores on these unfortunate gentlemen, but happening to see Paterson—the Adjutant-General—come by, she could not refrain from calling to him, "Come and see these officers, wounded for the common cause—in want of everything—it is your duty to tell the General!" Paterson did so, and Burgoyne came himself, and "thanked me very pathetically for reminding him of his duty. He added, 'A

Chief was much to be pitied who was not obeyed.'" Then he asked the officers why they had not come to his kitchen for what they needed. They replied that English officers were not accustomed to go to their General's kitchen. Burgoyne ordered rations to be given out—which caused another delay. It is evident that after the disaster of the 7th Burgoyne was paralysed.

The army crossed the Fish Kill; and at two o'clock that afternoon the cannonade began again — cannon and musket-shot rattling about their ears. Riedesel made his wife take refuge in a house—against which the fire was presently turned, as the Americans mistook it for the British Headquarters! The women and children now found refuge in the cellars. There, crowded together, not daring to stir out for any purpose whatever, a great number of helpless and wounded persons lay for six days and nights. The Baroness, who kept her head throughout, got the cellars to some extent cleansed on the second day, "or we should all have been ill"; the officers most dangerously wounded were put into one of the three great vaulted cellars, and the women in another. Just as these arrangements were being made "a new and dreadful cannonade" threw all into fresh alarm. There was an ugly rush for the cellars, by people "who had no right to come." The children might have been crushed, but God gave her strength to stand before the door with outstretched arms and keep them out. Eleven cannon-balls passed through the house—those in the cellars could hear them rolling overhead. Dreadful things happened—the surgeons had one poor fellow on a table, ready to take off his leg, when a ball came through and took off the other! The assistants scattered for a moment, and returning, found the poor wretch had flung himself off the table in his agony, and dragged himself into a corner. In this awful situation the faithful Riedesel contrived to send his wife word that he was unhurt. Now that Lady Harriet was with her husband, there were only five officers' wives — Madame von Riedesel, Mrs. Harnich (her husband badly wounded), a Mrs. Rennels, whose husband was killed; the wife of the Commissary, and the wife of a lieutenant who had shared his soup with the Baroness the day before. These poor women sat together, lamenting. Somebody came in — "they whispered together and looked sad. A glance was thrown at me." The Baroness thought, "My man is killed!" and cried out. But they made signs to her that it was the good lieutenant of the soup. A ball had taken off his arm above the shoulder.

That night they heard his moans re-echoing through the vaults. Towards morning he died.

Three English officers, wounded, but resolved not to stay behind, promised the Baroness that each should take a child on his horse in case of a hasty retreat.

One of Riedesel's horses always stood ready at the door. Riedesel often thought of sending his wife and children to the American lines, but she could not bear the thought. Often that night she thought that perhaps he had marched. Once she stepped out to see,—she saw the soldiers lying round the fires in the cold night. She was troubled about the valuables entrusted to her—she had got them all sewn in her stays!

At last, on the morning of the 12th, she was able to change her linen. The three officers made a corner and kept watch. One of them could imitate the mooing of a cow and the bleating of a calf; and when Fritzchen woke in the night and cried, he quieted her thus, and made the poor woman laugh for a moment. The "arch-rascal" cook got them food, but there was so little water that the Baroness had to give the children wine. The little water they had was brought them by a kind woman, at the risk of her life.

They were not all heroes in the cellars—some there were who deserved no compassion — they were cowards, skulking among the women. But afterwards, "when we were in captivity, they strutted about."

Early on the morning of the 10th, the army repassed the fords of the Fish Kill,[1] they found a detachment of the enemy busily throwing up entrenchments on the heights. Burgoyne took up a position at Saratoga—strong on the left, towards the Fish Kill, but on the centre and right quite indefensible. All the army was in favour of retreat, and at last Burgoyne brought himself to think of renouncing his lingering hope of a junction with Howe. He sent Lieutenant-Colonel Sutherland with two regiments (Captain Fraser's marksmen and Mackoy's Provincials) to reconnoitre the road to Fort Edward, with a view to a night march. At the first bridge the Provincials—left to cover the workmen—ran from a very slight attack of a small party of the enemy, and left the workmen to escape as they could. Sutherland got to

[1] The Fish Kill and the Batten Kill are two small tributaries of the Hudson, and fall into that river from opposite sides, very near to Saratoga—the Fish Kill being on the west and the Batten Kill on the east bank—almost opposite each other. The British army crossed very near the confluence.

within an hour of Fort Edward, and was beginning to repair the chief bridge, when he was recalled. The enemy had appeared on the heights of the Fish Kill in great force, and showed a disposition to give battle. Gates did not mean to wait till Burgoyne could make up his mind — and perhaps till succour might arrive. At two in the afternoon of the 10th he began a terrible cannonade from the opposite side of the river—directed chiefly on the boats with the provisions. The attack was continued on the 11th, several boats were taken and retaken; and as they were now much nearer the main force of the enemy than ours, the only way to save the provisions was to land them, and carry them up the hill to camp. This was done, under fire, on the 11th, with great difficulty, and the loss of an officer and thirty men, a great part of the sailors (made prisoners), of the boats, and of a considerable part of the provisions. The cannonade continued that whole day, in front and rear, the outposts firing constantly on each other; and though the British fire drove the Americans back over the Fish Kill, it was only to entrench themselves opposite the fords.

That evening Burgoyne sent for Phillips and Riedesel. He himself decided that it was equally impossible to attack the enemy or to remain in their present insecure position. Riedesel proposed to retire at once—that very night—taking nothing with them but the provisions they could carry on their backs, and to go, not to Fort Edward, but to a ford four miles below, and there to ford the Hudson, and go on without halting to Fort George—this, he said, was still practicable, because the enemy had not yet occupied this road—on the west side of the Hudson. But Burgoyne could not make up his mind to this, and next day he still hesitated. Meanwhile the Americans occupied all the posts as far as Fort Edward, and extended their army across the British front. At three in the afternoon of that day there was another Council, to which Hamilton and Gall were admitted. Riedesel emphatically urged instant retreat — the least movement of the enemy would make it impossible. Burgoyne agreed—and then it was found that provisions for six days, which ought to have been given out, had not been given. The order was repeated, and it was arranged that the army should start between ten and eleven that night. Exactly at ten Riedesel sent word to Burgoyne that all was ready, but received the reply that it was too late —the army must remain.

The situation was entirely changed. The scouts had brought word that the enemy was strongly entrenched opposite the ford, had a camp in force on the heights between Fort Edward and Fort George, and parties along the whole shore—"some so near us, and on our side of the water, that the slightest movement must be instantly discovered." And every hour reinforcements were pouring in to Gates, till he had at least 16,000 men. By the morning of the 13th the army was completely surrounded, and to attack the enemy must cross a swampy ravine and a steep ascent, and "get so far from the water, that he could have taken us in rear." The moment for retreat was lost — perhaps it was never really possible, especially as provisions were already running short—there was enough for five days only!

There was another Council that day—all the commanders of battalions were called to it, down even to captains. Burgoyne admitted the impossibility of a successful attack — and even if it did succeed, it would be impossible to reach Fort George for want of provisions. The only chance for retreat was for each man to cut his own way out, as best he could, through the pathless forest! But the army could still hold out the five days; only, as the centre and right of our position could not be defended, the rout and utter destruction of the army was not only probable but certain.

When Burgoyne had laid their terrible situation before the Council, he showed the finest side of his character—the side which ought to atone for many faults. In the most solemn manner, he said that he alone was answerable for the condition in which the army found itself, because he had never called a Council—conceiving himself not at liberty to depart from his orders. Riedesel heard this declaration with thankfulness—he had feared that the blame of all would be laid upon himself, and he begged the English officers to bear him witness if he was ever called to account.

Then Burgoyne put these questions to the Council—

1. Was there, in the history of war, any example of an army in such a position capitulating?

2. Could a capitulation be avoided in such a situation?

3. Was it certain that the situation was as bad as it looked?

To the first question all answered that the situations of the Saxon army at Pirna, of General Fink at Maxen, and of Prince Maurice of Saxony were less hopeless, yet no one had ever blamed those generals, who capitulated to save their

armies—for if the King of Prussia cashiered Fink, it was from personal dislike. To the second question, they answered that a capitulation could not be avoided. To the third, they all declared that if General Burgoyne thought an attack possible, they were ready to offer their blood and their life. But if not, they thought it better to save the army by an honourable capitulation, while longer resistance was possible, than to wait till their provisions were exhausted—when they must surrender at discretion, or, by inviting an attack in that position, be stormed and then singly destroyed.

Then Burgoyne produced the sketch for a capitulation, and on its being approved by the Council, sent a flag to Gates to ask for a parley. A conference was appointed for the morning, Major Kingston was sent with Burgoyne's proposals, and there was a cessation of arms. The proposals were for surrender with the honours of war, the army not to serve against America in the present war, or till exchanged.

Gates replied, demanding that the army should ground arms within the encampment. Burgoyne replied that sooner than submit to this humiliation the army would proceed to any act of desperation. It seemed as though the treaty was off—hostilities were resumed that night. But—possibly because he had heard news of Sir Henry Clinton's advance—Gates sent next morning (October 15) to say that the troops might march out with the honours of war, and pile arms and leave their artillery on the verge of the river—arms to be piled by word of command from their own officers. He yielded several minor points, but said that the army must leave the camp that very day at 2 o'clock.

This sudden change, and the fixing of the hour, "set them thinking." A Council was called, and the amendment was accepted, but it was resolved that the time was too short, as this was only a preliminary, and there were many other articles to be settled before General Burgoyne could sign the Convention. A Commission of staff-officers of both sides was proposed, and Sutherland and Craig were named. The Commission remained together till eleven that night, and separated, the Englishmen giving General Burgoyne's word of honour—which they were empowered to do—that the Convention should come back signed in the morning.

That night—the first for many a day—Riedesel slept in a bed. About one in the morning he was aroused—someone wanted to speak to him. His wife watched him reading the message, and saw that he was annoyed. He sent the man to Headquarters,

and lay down again. Soon there came a message from the Commander-in-Chief, for a Council very early in the morning.

The messenger had brought news—Sir Henry Clinton had not only taken all the fortifications of the Highlands, but a week ago had come as far up the river as Esopus, with his troops and the fleet, and would probably soon be at Albany. On this Burgoyne and several of his officers were so encouraged that they wanted to break off negotiations, and the Council was called to see whether they could do so with honour. A new set of questions was laid before them—

1. Can a treaty which has been finally arranged by Commissaries with full powers, and after the promise of the General to sign, as soon as the Commissaries make all plain, be broken off with honour?

2. Is the news received certain enough to be the ground of breaking off an agreement so favourable to us?

3. Has the army spirit left in it, to defend itself in the present position to the last man?

To the first question, fourteen to eight were of opinion that the treaty was already concluded, the enemy had granted all that was asked, and it could not be broken off without dishonour.

On the second, votes were divided. The news was only hearsay—at third hand. And even if the messenger himself had seen Clinton's army at Esopus, the distance was so great that he could not help us in time.

To the third, all the officers of the left wing said "Yes." Those of the centre and right wing said that though their men would show the greatest courage, if attacked, they all knew their position was untenable, and it was to be feared they could not sustain an attack. Riedesel declined to answer for his men in an enterprise which had no hope of success.

There was, however, one last chance of gaining time. Burgoyne had heard that Gates had detached a considerable part of his army to Albany, while negotiations were going on. This would be contrary to good faith, and Burgoyne was determined not to capitulate unless assured that the enemy's force was at least from three to four times larger than his own. He wrote to Gates to this effect, and asked that a staff-officer might be allowed to see his army, and judge if the superiority was as great as mentioned —if so, he would at once sign. Gates replied on his word of honour that his army was still of the same strength as when it advanced before Saratoga—since that time he had received a reinforcement of one brigade, and during the negotiations it had

not been lessened by so much as a picket. To show his army was out of the question. General Burgoyne had better think well what he did if he broke his pledged word. Meanwhile he pledged his own honour that his army was more than four times as large, not counting the troops on the other side of Hudson. But he could not wait more than an hour for the answer.

Again the Council assembled. The eight who were for breaking off had changed their minds. Burgoyne drew Phillips and Riedesel aside, and begged their friendly advice. After a silence, Riedesel said that if General Burgoyne was called to account in England, it would be for having got his army into this position, and because he had not retreated in time to save his communications with Fort George. But now to break off on such uncertain intelligence was the most dangerous thing he could do. Hamilton said the same, when asked. Phillips declined to offer an opinion in such a situation.

All this time Wilkinson—who was one of the American Commissaries—was waiting by the ruins of Schuyler's house, and Gates was sending every now and then to know if the matter was not settled. The one hour had become two, and Gates had just sent word that Wilkinson must break off the treaty if the Convention was not signed in half an hour, when Sutherland and Craig returned with it. It was the 17th of October, 1777.

The same afternoon the army marched out, and piled arms by the river. With extraordinary delicacy General Gates ordered his army to remain within their lines, that their presence might not add to the humiliation of a brave enemy.

Then Burgoyne and all his officers rode to the camp to give themselves up.

Burgoyne drew his sword, and presented it to Gates, who instantly returned it. And now the American army was counted—it was nearly 24,000. The British and German troops who surrendered that day were reduced by battle, sickness, and desertion to 5752.

Soon after this the Baroness received a message from her husband that she might now rejoin him. As she drove through the American camp in the *calèche*, she made the comforting reflection that the Americans did not seem to regard her with ill-will—they greeted her, and "showed pity to see a woman with little children." As she approached the lines "a handsome man came towards me, took the children from the carriage, kissed them, and with tears in his eyes helped me to get down. 'You tremble,' he said, 'don't be afraid!'" He took her into Gates'

tent, where Gates was with Burgoyne and Phillips, "who were quite friendly with him." The Generals were to dine with Gates. The gentleman who had received her, came again and said, "It would embarrass you to dine with all these gentlemen—come to my tent." It was General Schuyler.

NOTE.—The terms finally agreed upon were that the army should march out of camp with the honours of war, and all their artillery, to the verge of the river, there to leave arms and artillery—the arms to be piled by word of command from their own officers. A free passage to be granted to the army to Great Britain, on condition of not serving again in the present war—to sail from the port of Boston. The troops to be supplied on their march with provisions, at the usual rates. Officers to retain carriages, horses, and baggage; no baggage to be searched, Lieut.-General Burgoyne giving his honour that no public stores are secreted therein. All corps whatever of General Burgoyne's army to be treated as British subjects. Canadians to be allowed to return, by the shortest route, to the first British post on Lake George, and to be supplied with provisions. Passports to be granted to three officers, not exceeding the rank of Captain, to carry despatches from General Burgoyne to Sir William Howe, Sir Guy Carleton, and to Great Britain (by way of New York); Major-General Gates engaging the public faith that these despatches shall not be opened. Officers when at Boston to wear their side-arms. The army to be permitted to send to Canada for their clothing and baggage.

CHAPTER LXVII

SIR HENRY CLINTON'S DIVERSION

"... had I known General Howe's situation or his intentions, I might, instead of looking after cattle, have made my arrangements so as to have pushed a little farther ... let his successes be ever so great to the southward, the principal object still appears to me to have been a communication with Burgoyne, and the establishing *him* at Albany. ... In short, with about 4000 Regulars, half foreigners, 3000 Provincials (who are eternally surprised), little artillery, few officers and men, no chasseurs, no light infantry nor *corps d'élite*, nor no cavalry that I am at liberty to use, what can I do? A great extent of country to cover, and a most important place. This is my hard fate, while others, my juniors, have most brilliant commands. I cannot, nor will I submit to it, let the consequence be what it will."—*Sir Henry Clinton to General Hervey*, from King's Bridge, Sept. 16, 1777.

As Burgoyne's whole plan supposed the co-operation of an army from New York, he naturally believed that Clinton had been instructed by Howe to make it his own grand object. Clinton does indeed explain that the silly incursion into the Jerseys, early in September, was intended "to assist both armies, particularly his"—meaning Burgoyne's. That expedition resulted in "a little skirmishing with the enemy," and the collecting of about 400 head of cattle, "including 20 milch cows for the use of the hospital," some sheep, and a few horses. It took place while Burgoyne was crossing Hudson the first time. Clinton's letter to Howe, of October 9, speaks only of his intention to attack Forts Montgomery and Clinton, etc., "with the small force that could be spared from the important post you had left under my command." To General Hervey, at the War Office, he writes of this as "a desperate attempt on a desperate occasion."[1] (Poor Burgoyne was looking for him with a victorious army!) Even before he could venture to detach this "small force" Clinton was obliged to wait the arrival of the reinforcements, now at sea "in Dutch bottoms." They arrived, after a three months' voyage, on the 25th of September, and Clinton at once "called in his guides," and ordered "hard bread" to be baked—all

[1] These letters are given in Albemarle's *Life of Lord Rockingham*.

which was known to Putnam by the 29th of September, and word sent to the American General George Clinton, who hastened to Fort Montgomery with such force as he could collect. His brother James commanded at Fort Clinton, within rifle-shot.

The American frigates and galleys stationed to protect the (entirely futile) obstructions in the Hudson, slipped their cables and tried to escape up river. But the wind was adverse, so their crews set them on fire. They are described as making a magnificent spectacle—"pyramids of fire," lighting up river and mountains with the glare of their conflagration. They were at a part famous for echoes, and when the loaded cannon went off as the fire reached them, the echoes reverberated along the rocky shore.

Sir Henry Clinton had made his plan with extreme skill; but even when the reinforcements came he had to wait for a wind. With the galleys under Commodore Wallace, he stood up the Hudson in the first days of October. Late on the night of the 4th, a letter from Putnam told Governor Clinton that the ships of war were coming up the river, and had got as far as Tarrytown and landed troops. Putnam had drawn back to the hills, and now sent to the Governor for all the force he could spare—all the defences of the Highlands were weak at this moment, for everyone who could fight was gone to help Washington at Philadelphia or Gates in the north.

The landing at Tarrytown was a feint. The British marched a few miles into the country—then turned back, re-embarked quickly, and went on to Verplanck's Point. There, on October 5, Sir Henry landed 3000 men, eight miles below Peekskill; and early next morning, under cover of the fog, he crossed with 2000 of them to Stoney Point, on the western shore of Haverstraw Bay. He left the other thousand (chiefly loyalists) to seem to threaten Peekskill. The simple old soldier Putnam had never been able to understand Washington's marchings and counter-marchings—Sir Henry was about to show him the use of such manœuvres.

The troops landed at Stoney Point at daybreak of the 6th, and, led by a Tory, made a détour of seven miles through the forest, round the base of Thunder Hill.[1] Lieut.-Colonel Campbell commanded the regulars, and Colonel Beverley Robinson of New York the New York Volunteers. General Vaughan, with the Grenadiers, Dragoons, and Hessians, was to attack Fort Clinton. The Grenadiers were led by young Lord Rawdon, who was afterwards to make himself a name—he had with him as aide-de-camp his friend the Polish Count Grabousky.

[1] The Donderberg.

Governor Clinton's scouts brought him word in time for a party with a brass field-piece to give Campbell a warm reception in Bear Hill defile. Sir Henry, too, was opposed. The march was difficult, and it was five in the afternoon before he was at Fort Montgomery. Then the two Forts were attacked simultaneously. The Americans made a desperate defence—Governor Clinton hoped for reinforcements from Putnam, but his messenger betrayed him, and Putnam did not know of his straits until he heard the firing. Then he despatched 500 men; but they had six miles to go and the river to cross, and before they arrived all was over. Not, however, without a stubborn defence. The Americans would not surrender—they were driven from redoubt to redoubt at the point of the bayonet, and "fought their way out as many as could." Governor Clinton himself leaped down the rocks, and his brother James slid down a precipice into the ravine. The British loss was considerable—about 250 killed and wounded, Campbell, Grabousky, and Grant of the New York Volunteers being among the killed. On this affair Sir Henry Clinton says grimly: "As the soldiers were much irritated, as well by the fatigue they had undergone and the opposition they met, as by the loss of some brave and favourite officers, the slaughter of the enemy was considerable."

It is worth noting that the pass by which Sir Henry Clinton marched was the one which Washington had always said should be looked to, as possible for a surprise; but both Greene and Knox thought it impracticable—and so it would have been if but a small force had been there to hold it.

Governor George Clinton, meanwhile, was at New Windsor, not far off, calling out the militia to prevent assistance being sent to Burgoyne. On October 9 two persons coming from Fort Montgomery were caught by Governor Clinton's guards and brought before him. One was much agitated, and was seen to put something into his mouth and swallow it. An emetic was administered—whereupon he brought up a silver bullet. Before he could be prevented he had swallowed it again, but on his refusing a second emetic, George Clinton threatened to hang him and cut open his body. So he submitted.[1] The bullet reappeared—it was small and oval, and unscrewed. It contained a thin slip of paper, on which was written, "Oct. 8. Fort Montgomery. *Nous y voici*, and nothing between us and Gates. I sincerely hope this little success of ours will facilitate your operations."

Poor Burgoyne never received this comforting message, and if he

[1] This messenger, too, was hanged as a spy.

had it could not have saved him, for Sir Henry could do no more, and what he had done was not enough.

On October 13 and 14 Sir Henry wrote two long letters to General Hervey. They are highly confidential, and enable us to follow the developments of the situation as no other account does. They begin with jubilation—Sir Henry did not really think his a "little success." He wrote to Hervey, "this is the severest stroke that has ever been struck; all their forts between New York and Albany destroyed; all their ships and vessels for 150 miles taken or burnt . . . at the instant I write this, our little fleet and army are possibly within 30 miles of Albany. In short, if Burgoyne holds there, or even is able to make a good retreat to Canada, I think these people will sue for peace." He encloses an intercepted letter from "the rebel Governor of this State," and adds, "you see the consequence of this stroke." He sends "the letters between Burgoyne and me, before I attempted it . . . my letters, wrote in cyphers, describe the defenceless state I have been left in," and how little help I can give. "Not a line from the Commander-in-Chief these 6 weeks." The attempt in Jersey was meant "to assist both armies, particularly his" (Burgoyne's). The day I landed there (September 12), sent him three lines in cypher. "You know my poverty, but if with 2000 men, which is all I can spare from this important post, I can do anything to facilitate your operations, I will make an attack upon Fort Montgomery, if you will let me know your wishes." On the 30th he got an answer by the same messenger. "I have lost the old cypher. . . . An attack, or even the menace of an attack, on Fort Montgomery will be of use; it will stir them from before me, and I will follow them close. Do it, my dear friend, directly." A second letter said that even keeping the Fort besieged would help. "Lose no time." It was now that Clinton resolved on the "desperate attempt in a desperate situation"—he had no hope of taking the Forts. He complains that Burgoyne never made him acquainted with his real situation, "till I was entering upon action." On the night of October 5, when he was already at Verplanck's Point, waiting to cross the Hudson, "a confidential messenger" arrived from Burgoyne, with a verbal account of the situation—he had lost his communications with Canada, but had provisions to the 20th—was in a very strong post, but so were the rebels. Did not doubt he could face them and get to Albany, but doubted whether he could subsist when there—the country there being drained; so would not go unless Clinton could open communications between New York and Albany. *Awaited Clinton's orders whether he should attack the*

rebels, or retire across the Lakes, while they are clear from ice. If he did not hear from Clinton by the 12th of October, would retire. Clinton's remarks on this letter prove his (and therefore Howe's) complete ignorance of the "plan." He is "astonished"—and indignant—first, even a menace would do all that is wanted—"Now he expects me with a thousand men (or what I could spare after taking the posts) to penetrate to Albany, which he with 7000 could not do."

Clinton sent this messenger back to say that, "*not having received instructions from Sir William Howe relative to the operations of the northern army*, ignorant of the General's intentions respecting it (*except his wish that it should get to Albany*), he could not presume to order or advise," but "if my unexpected success (as the river is now open) decides him (Burgoyne) to attack the rebels and he can get to Albany, I will do my utmost to communicate with him and give him a supply of provisions." He has not heard from General Howe for six weeks (hears of his victories, "but not confirmed"), and does not know where Washington is; has left a small force in New York, and has a communication of 140 miles between New York and Albany to keep open, and this important post we have now taken to garrison. "It was rather too greatly daring," but he determined to venture 1700 men under Vaughan up the river, under convoy of Sir James Wallace and the galleys, "to feel for General Burgoyne"; and he had got ready provisions for Burgoyne's army for six months, in vessels small enough to go within a few miles of Albany, when a letter reached him from Howe, to say that his victories were by no means decisive, "and even if I had started up the river, unless my object was of the greatest importance, and could be accomplished in a few days, I was to give it up, and send him full 6000 men."

Even now, however, Clinton does not seem afraid for Burgoyne—he thinks he has probably retreated across the Lakes. His chief complaint is the being ordered to reinforce Howe. It is a "mortifying service," "mortifying commands." He is sick of it. "I will do all I can for this campaign, but I will close with it." If he regrets his useless incursion into Jersey, it is not, however, because he had better have helped Burgoyne, but because he had better have helped Howe! "Had I known Howe's situation or intentions, I might have pushed on, instead of looking for cattle"—but must be careful with Putnam and four brigades, and numerous militia so near me. . . . "We have no certain accounts from Burgoyne, but by all I hear, he has not 6000 men opposed to him."

It is strange that he still thought this. For on the 10th Captain Scott of the 53rd had reached him with despatches from Burgoyne. Scott had been thirteen days on the way, and a dozen times had most narrowly escaped the fate of the unhappy bearer of the silver bullet. He had been compelled to waste whole days lying hidden in woods, to avoid the rebel patrols—sometimes actually hearing the voices of those who were searching for him. He could not learn where Sir Henry was, and was going on to New York, when he heard he was at Fort Montgomery—and there at last he found him, three days after Burgoyne had fought his second battle. Clinton sent back Scott instantly—not even now fully realising the imminence of the peril. But Scott never reached Burgoyne. He could find no one to guide him. He was assured by every Tory he met that the British had already capitulated; very lucky he thought himself to get safe into New York with the evil tidings.

CHAPTER LXVIII

HOW THE NEWS CAME TO LONDON AND PARIS

"All Europe is on our side of the question, as far as applause and good wishes can carry them. . . . It is a common observation here (in Paris) that our cause is the cause of all mankind."—*Franklin to Dr. Samuel Cooper*, May 1, 1777.

"For my part, I cannot think the condition of the British empire bettered by one part of its forces having lost several thousand men in butchering as many more of those we vainly wish to call our subjects; nor can I think that any victories, or any submission, can secure to us the possession of a country we have so unpardonably injured."—*The Duke of Richmond to the Marquis of Rockingham*, Nov. 2, 1777.[1]

"It does not become your lordships . . . to retire to your country seats for six weeks, in quest of joy and merriment, while the real state of public affairs calls for grief, mourning, and lamentation. . . . A remonstrance, my lords, should be carried to the Throne. The King has been deluded by his Ministers."—CHATHAM, Dec. 11, 1777.

"Lord Amherst . . . is clear that after the disaster of Burgoyne not less than an additional army . . . of 40,000 men can carry on with any effect an offensive land war."—*The King to North*, Jan. 13, 1778.

FOR twelve months the American Commissioners in Paris had received no instructions from home. Their chief reason for hoping their cause was not going very ill was their knowledge that the rate of insurance in London against capture by American privateers had been as high as 60 per cent.

Franklin had occupied himself much in attempts to alleviate the sufferings of American prisoners. Through his friend David Hartley he had, from his own resources, relieved many of those imprisoned in England. In February, 1777, he and Deane wrote to Lord Stormont on the subject of exchanging, but the Ambassador returned no answer. In April they wrote again, remonstrating more particularly on "the compelling men by chains, stripes, and famine, to fight against their friends and relations," and the "sending American prisoners of war to Africa and Asia, remote

[1] Before the news of Saratoga came.

from all probability of exchange, and where they can scarce hope ever to hear from their families, even if the unwholesomeness of the climate does not put an end to their lives." Such conduct, said Franklin, had no precedent to justify it, unless that of the "black savages of Guinea." To this Stormont had replied rudely: "The King's Ambassador receives no applications from rebels, unless they come to implore his Majesty's mercy."

Franklin sent this reply back to Stormont, with a note in which he called it "the enclosed indecent paper," which they had received "as coming from your Lordship," and now return, "for your Lordship's more mature consideration."

Franklin drew up a statement of the usage the prisoners had received. He sent a copy to Hartley, with a letter in which he said that in revising he had "found too much warmth in it," and had been about to strike out some parts. "Yet I let them go, as they will afford you this one reflection: 'If a man, naturally cool, and rendered still cooler by old age, is so warmed by our treatment of his country, how much more must those people in general be exasperated against us? And why are we making inveterate enemies by our barbarity, not only of the present inhabitants of a great country, but of their infinitely more numerous posterity, who will in future ages detest the name of *Englishman*, as much as the children in Holland now do those of *Alva* and *Spaniard*?'"

In a letter of about the same date to Priestley, Franklin says, "It is now impossible to persuade our people, as I long endeavoured, that the war was purely ministerial." An endeavour branded in England as the very climax of rebel hypocrisy.

Franklin established a little printing-press at his house in Passy, and occasionally printed a tract or handbill. From this press was issued the *Independent Chronicle*, with an account of the scalps sent to the British authorities in Canada. This account was long taken for a genuine document. Franklin, however, admitted that he wrote it, but declared that although taken as a whole it was fictitious, everything stated in it had actually occurred in the course of the war.

In October the Envoys were privately told that they asked too much in asking for the recognition of Independence—it might embroil Europe. In November de Vergennes told them that perhaps the King would lend Congress a million livres, and try to persuade his good brother of Spain to do the same. And perhaps he would take that ship off their hands, which they were

building in Holland, and could neither pay for nor get safely to a French port. But more than this was impossible, unless the Americans gained some important military success.

The dearth of news caused them, therefore, all the more acute anxiety, and on November 27, when the Envoys met at Passy, Lee was very despondent, but Franklin said America could go on even without help—and perhaps the less help from Europe the better. But the danger of Philadelphia and the early successes of Burgoyne were known, and Franklin's anxiety became terrible as autumn wore on to winter.

On the 1st of December Jonathan Loring Austin, Secretary to the Massachusetts Board of War, landed at Nantes, thirty-one days from Boston. The news of his coming flew up to Paris before him, and on the 4th all the American Agents hurried out to Passy — the two Lees, Izard, Silas Deane, Dr. Bancroft, Beaumarchais; and when they heard the chaise drive into the courtyard they all went out, and before Austin could alight, Franklin cried, "Sir, is Philadelphia taken?" "Yes, Sir." Then Franklin clasped his hands, and turned back to the house. "But, Sir," cried Austin, "I have greater news than that—General Burgoyne and his whole army are prisoners of war!"

Deane said this news was like a cordial to the dying. An express was sent to Vergennes at Versailles, Dr. Bancroft set out for London (where no doubt he reported all he knew to the Government); and Beaumarchais drove to Paris at such a rate that the chaise upset and his arm was dislocated. In a few days all Europe had the news, and almost all Europe rejoiced at it. England had held her head very high since the Seven Years' War, and her defeated enemies were not sorry to hear that the tailors and cobblers of America were avenging them.

All was now changed for the American Envoys. The Secretary of the Council called upon them, de Vergennes congratulated them. They were *asked* now to renew their proposals for a commercial alliance. Soon Gibbon wrote, "The two greatest nations in Europe are fairly running a race for the favour of America." Marie-Antoinette received Franklin privately. Wherever he went he had an ovation. At the Academy, d'Alembert told him he had wrenched the thunderbolt from the cloud, and the sceptre from tyrants. Voltaire and Franklin were presented to each other—amidst great applause they took each other by the hand; it was insisted that they should embrace in French fashion, and the two great old men solemnly kissed each

other, to the enthusiasm of the Academicians, who cried that it was Solon and Sophocles. Through it all, Franklin's head was not turned—his simple, shrewd, Quaker nature remained undazzled by all this outward show. As he had been the most calm and hopeful in adversity, so he was the least puffed up in prosperity—a venerable and dignified figure, humorously aware of the contrast he presented to the gay gold-fish of the Court, whom he, for his part, regarded with genial kindness — the same Dr. Franklin in Paris as in Philadelphia, the wise and kindly philosopher of Commonsense — the wonderful, indomitable old man, who at seventy-five helped to found a nation, and never grew too old to laugh.

In England there had been a growing anxiety about Burgoyne, ever since his dismal despatch of August 20, from "the camp nearly opposite Saratoga"—full of bad news—bad weather, bad roads, scarcity of provisions through the scarcity of horses and oxen—fifteen days' heavy work giving only four days' provision in hand; the failure at Bennington, the death of Baum, and the unfortunate affair of Fort Stanwix. After this had come a long silence. There was an uneasy feeling that he was a long while getting to Albany.[1] But in November came a report that Arnold had surrendered with 12,000 men; and two days later came news of the fall of Philadelphia.

Parliament met November 18. Chatham was well enough to move an Amendment to the Address—supplicating his Majesty to restore peace to America, by the immediate cessation of hostilities, and the opening of a treaty. He denounced the employment of Indians—on which Suffolk said "it was perfectly justifiable to use all the means that God and Nature put into our hands." This brought up Chatham again in a fury, to ask whether we were to say God put the scalping-knife into our hands? Ministers said that if they had not secured the Indians, the rebels would have done so—a statement notoriously contrary to fact, as the American Leaders had done their utmost to persuade the Indians to remain neutral; and both Schuyler and Gates had solemnly warned the Six Nations in particular to keep out of this quarrel. Ministerialists then accused Chatham of having used Indians himself in the Seven Years' War. But he showed that they were only used as scouts, and to assist the troops

[1] In November, 1777, "Capability" Brown wrote to Lady Chatham that he thought we were "in great distress"—the bad news was well authenticated, the good had no confirmation. Amherst was cheering the Court with the total annihilation of Washington's army, etc.

in laborious duties—never for military purposes. And Lord Townshend—who succeeded to the command when Wolfe fell—said the same, and added that they never stained the British arms by any crime.

Of course the Amendments were lost by large majorities. On December 2 Fox demanded an Enquiry into the State of the Nation, the expenses of the War, the resources we possess to continue it, and what the Howes had actually done as Commissioners for Peace. North was obliged to say he agreed—enquiry would show how flourishing we were. But inconvenient papers must not be asked for. Fox enumerated the papers he wanted, and North said he must object to the motion—the production of these papers would lead to discoveries prejudicial to the country. Sergeant Adair suggested that the Minister meant prejudicial to Administration, and then the whole of Opposition fell upon the unhappy Minister, who knew that to-morrow the news about Burgoyne must be known. Fox said that ever since a certain noble lord (Germaine) had presided over American affairs, scalping, tomahawk measures had been pursued—bleeding has been his only prescription! By the great majority of 178 to 89 the House rejected the Motion for Enquiry. That night the news of Saratoga reached London.

Next day, Barré insisting on knowing the number of troops in America, Barrington gave it as 55,096—14,000 under Carleton, 20,000 under Howe, and the rest—some of them Provincials—in different places. On this Byng asked why General Howe always attacked General Washington with an inferior force—yesterday Howe had only 13,000, now he has 20,000. Why did he attack with only 15,000?

Germaine replied that 20,000 was counting the sick and wounded—and the artillery officers. He was floundering on about "effective men with arms on their shoulders" when Barré rose again, and called on him to declare, "upon his honour," what was become of General Burgoyne, and whether he had or had not received despatches from Quebec to say that Burgoyne had surrendered himself and his whole army prisoners of war?

There was no escape—it was a worse moment than Minden. The wretched Colonial Secretary protested his constant readiness to tell all he knew, and now he knew it was his duty to tell the House that he *had* received a piece of very unhappy intelligence—not yet authenticated, to be sure—he hoped the House would suspend judgment—he was willing to submit

his conduct in planning this most unfortunate affair—a Minister ought always to be ready to have his conduct scrutinised. Then he sat down, and Opposition poured forth the vials of its wrath upon him—Barré telling him that the plan was too absurd for an Indian Chief—"I foretold the event from the first." And now the men you used to call cowards have compelled a British General—and a very brave man, too—to surrender a whole army! The House was very angry, but it would have been more angry still if it had known about the despatch which was never signed or sent.[1]

In the first moment of dismay there was a general cry for peace. Then the country thought better of it, and cried instead for more troops. On the 5th Hartley made a motion on the Enormous Expenses of the American War—20 millions spent already, and perhaps 20,000 lives. By the end of the next campaign it will be 30 to 40 millions. "I told you, three years ago, America would turn out an army of 50,000 men, and you laughed at me. Franklin warned you—you would not believe him." The motion was lost without a division, and on the 11th Parliament went home for six weeks' holiday. Chatham protested in vain.[2] The Lords felt they had done their duty—they had suspended Habeas Corpus. In the Commons, North said he was sure France and Spain did not mean to molest us, and he could not see the most distant motive for not adjourning—nothing will happen, and by the time you come back we will have thought out a plan for conciliation.

In vain Opposition warned him of the ugly reports from France. They went off to keep Christmas. Stocks had fallen from 141 to 120, and everybody was abusing the Howes.

At the end of 1777 the complaints of the treatment of American prisoners in England had spread to France—in particular the charge that some of them had been forced, under threats of death, to enter for life into the service of the East India Company. Those in England were starving. The persons who had the contracts for feeding them, "considered their offices only as lucrative jobs." On the 11th of December

[1] In the debate, Wedderburn expatiated on his own honesty. Burke laughed aloud. The House was silent. Wedderburn said he would teach Burke manners. Burke walked out, and Wedderburn thought he was gone to send him a challenge! He wrote an apology, and afterwards sent Fox with a verbal one.

[2] Suffolk brutally told Chatham he only wanted the House to sit, because he would not be allowed to give his advice anywhere else. (December 11, 1777.)

Lord Abingdon brought the case of these poor prisoners before the Lords. Some of his statements are almost incredible. It seems that most Americans had "religious objections" to inoculating for the small-pox. "In one of the prisons, a prisoner was inoculated; and after the eruption appeared, the patient was put into a cell with five Americans who had never had the disorder." He moved for all Instructions to gaolers concerned with the prisoners of war, and reminded their lordships—in case humanity did not move them—that there was such a thing as retaliation. "You are taking them by fifties and hundreds — they are taking you by whole armies." If Howe does not shift his position, Burgoyne's fate will be his. After a little wriggling, Suffolk pledged his honour to give the returns. Abingdon's motion was agreed to, and the House proceeded to debate on Lord Oxford's motion for adjournment to the 20th of January, 1778. In vain Chatham protested against adjournment, "at a time when the affairs of this country present prospects full of awe, terror, and impending danger." The only army you have in America may by this time be no more. Most critical events may take place before our next meeting. The King has been deluded by his Ministers. The nation has been betrayed into an American war "by the arts of imposition, by their own credulity, by false hopes, false pride, promised advantages." At least, consider the state of our home defence! Suppose we have thirty-five ships of the line fit for actual service? Would that give us the command of the Channel? I am certain, if it did, every other part of our possessions must be left naked and defenceless.

"Here, and in many other parts of his speech, his lordship broadly hinted that the House of Bourbon was meditating some decisive and important blow near home." Where shall we procure men? Recruits are not to be had here, and Germany will give us no more. "Ministers have, I hear, applied to the Swiss Cantons. The idea is proposterous! The Swiss never permit their troops to go beyond sea."

Then he came to America. "My lords, we have not, nor can procure, any force sufficient to subdue America. It is monstrous to think of it. I call upon any noble lord, who is conversant with military affairs, to say that the military force now in the kingdom is adequate for defence, or that any force to be procured from Germany, Switzerland, or elsewhere will be equal to the conquest of America! You talk of conciliation—and the men who are to treat are the very men who are the authors of our misfortunes!

They have used the German bayonet and the Indian tomahawk, and now they propose to conciliate!"

Then he praised the conduct of the Americans in the moment of victory. They have set Ministers an example of moderation and magnanimity which they would do well to imitate! And now you propose to adjourn—I believe that before the day to which you adjourn the noble lord will have cause to regret his motion!

Shelburne in the most pitiless manner showed up the absurd conduct of the war. Howe was sent into Jersey "to look Mr. Washington in the face, and then turn his back upon him." Burgoyne was ordered to march to New York and effect a junction with Howe. Howe goes aboard his ships, and "gets on the other side of Philadelphia." Meanwhile General Burgoyne is surrounded, and applies for succour to General Clinton. General Clinton is in the act of complying, when Mr. Howe orders him to send him a reinforcement of 4000 men. If I do not hear full and sufficient reasons for all this, "I protest I think Mr. Howe would deserve to be brought home in chains!"

It was all of no use—the Lords, by more than three to one, voted for adjournment to the 20th of January. And so the last chance was lost.

Out of Parliament, something was done for the prisoners. On December 24 a meeting was held in London to raise a subscription for blankets, shoes, coats, linen, etc., for the American prisoners—then stated to be in all about five or six hundred. £4657 was collected in a few weeks, when the subscription was rather suddenly closed. The prisoners of Plymouth, in a petition to "certain noble lords," say they are 140—"all of us in want of warm clothing, as well as of almost every other comfort; and many are actually without *a shoe or stocking to their feet.* A brutal overseer detains every charitable supply sent by humane neighbours, or sells it and retails the money at his pleasure—in so parsimonious a manner as to render it of little or no use." This scoundrel had cut off their supply of milk, and allowed them neither fire nor candle. Five commanders or masters of ships, a surgeon, and several sailors signed this petition.

As soon as Parliament rose, great private efforts were made to raise troops. The gentlemen of Manchester and Liverpool joined in subscribing for two regiments of 500 men each.[1] In all, 15,000 men were added to the forces by private means, and the Court

[1] The more Jacobite the towns had been, the more zealous they were now for the war.

talked big of sending out 26,000 in April. But for three years there had been a dearth of recruits. Not a man more was to be had from Germany—Frederick had refused passage to the last consignment of Anspachers, and he and the Emperor[1] had determined that no more Germans should be sent to America. George III was delighted with the public spirit of his people, until he found that the Manchester gentlemen wanted to have a voice in the appointment of officers and in promotions. This, he wrote to North, would give such a general disgust to the army that it would be "more disserviceable than advantageous."[2]

[1] Joseph II, son of Maria-Theresa.

[2] "I hope Lord North will do his utmost to prevent the forming any more offers of new corps; they will . . . only perplex and totally anihilate all chance of compleating the regular forces, which alone in time of need can be depended on."—*The King to Lord North*, January 15, 1778.

CHAPTER LXIX

THE FRENCH TREATY

"The infinite number of addresses printed in your gazette, all approving the conduct of your government towards us . . . the great majority in Parliament . . . and the rejoicings on occasion of any news of the slaughter of an innocent and virtuous people . . . all join in convincing us, that you are no longer the magnanimous, enlightened nation we once esteemed you."—*Franklin to David Hartley*, Oct. 14, 1777.

"You will never find any occasion of providing for your children that I shall not be more happy if possible than yourself to provide for them. It has not been my fate in general to be well served; by you I have, and therefore cannot forget it."—*The King to Lord North*, March 31, 1776.

"I should have been greatly hurt at the inclination expressed by you to retire, had I not known that, however you may be now and then inclined to despond, yet that you have too much personal affection for me, and sense of honour, to allow such a thought to take any hold on your mind."—*The King to Lord North*, Jan. 31, 1778, 25 min. pt. 1 p.m.

THERE is abundant evidence, from the letters of George III, that as affairs in America assumed a more serious aspect North's courage failed him. How could it be otherwise? He was not, like his master, buoyed up by false hopes — the denunciations and prophecies of Opposition awakened terrible echoes in his heart. But in the mass of public and private correspondence preserved among the papers of those who took part in these affairs, it is easy to see why North consented to remain. We may allow something for the influence of a strong will over a weak one; but North had more solid reasons for not breaking with the King. Among the *Abergavenny Papers* there is a letter from Robinson—Manager of the Bribes — to the King, which throws light on North's private affairs. Robinson represents North as much embarrassed—does not think his whole estate, including Lady North's, is "near so much nett" as £2500 a year; and "from situation Lord North can't minutely attend to the economy of it, so his expenses, he has told Mr. R. repeatedly, have every year since he was First Lord of the Treasury very largely exceeded his income." All this "without any extravagance," but he has

so large a family. What with money borrowed, and debts to tradesmen, he owes near £10,000. At least he has told Mr. Robinson frequently that that sum would set him clear. Robinson gently hints that these anxieties, and "the perplexities of his public situation," are too much for him to bear—though otherwise he does not feel unequal in any respect to the business of Parliament. With a final hint that Lord North's delicacy and natural reservedness prevent his stating his situation to his Majesty, and "depending on your royal munificence."[1]

Robinson's letter is dated September 19, 1777; and the very same day the King wrote to North—

"KEW, *September* 19th, 1777, 46 min. pt. 11 a.m.

"LORD NORTH,—I have now signed the last warrant for paying up the arrears due on my Civil List, and therefore seize with pleasure this instant to insist on doing the same for you, my dear Lord. You have at times droped to me that you had been in debt ever since your first settling in life . . . if 12 or 15,000 will set your affairs in order, nay, if £20,000 is necessary, I am resolved you shall have no other person concerned in freeing them but myself. . . . You know me very ill if you do not think that of all the letters I have ever wrote to you this one gives me most pleasure. . . . Your conduct at a critical minute I never can forget, and am glad that by your ability and the kindness of Parliament I am enabled to give you this mark of my affection, which is the only one I have ever yet been able to perform, but trust some of the employments for life will in time become vacant, that I may reward your family."[2]

From this time Parliament was almost wholly occupied with the situation. Opposition made motion after motion—"On the State of the Nation," "On Clothing the New Levies raised without Consent of Parliament,"[3] "On the Navy Estimates," "On the State of the Army"—moved by the Duke of Richmond in the Lords, and by Fox in the Commons, where it merged into a motion, "That no more of the Old Corps be sent out of the Kingdom." This debate[4] excited so much interest that "a vast multitude assembled in the lobby and environs of the House," and not being able to get in "by intreaty or interest," forced their

[1] *Abergavenny Papers*, p. 18.

[2] Correspondence of George III with Lord North.

[3] In the Debate on the Levies, Burke told North that he might as well expect his garter to save him from the gout, as his talking about the Constitution to save him from enquiry.

[4] February 2, 1778.

way to the gallery in spite of the doorkeepers. The House "considered the intrusion in a heinous light," and ordered the gallery to be cleared. The gentlemen withdrew, but the ladies were allowed to remain; till Governor Johnstone said, if the motive for excluding strangers was secrecy, the ladies were no more capable of keeping secrets than the men — whereupon the ladies were turned out too.[1]

Then Fox recapitulated the Government measures since 1774, when that "most unfortunate agreement with the East India Company" became "the immediate source of all the troubles that have since followed." Ministers had committed the capital mistake of thinking that Massachusetts Bay was "the American empire." They forgot Virginia—they did not think it possible any other colony would join Massachusetts—they thought they were fighting one province, when they were fighting thirteen. The Punitive Acts made the Americans abhor our injustice, while the Quebec Act seemed intended to show them what sort of government we meant to set up instead of their own. "From the moment the Quebec Act passed, there was only one party in America; it stopt the mouths of the moderate party." Another silly idea of Ministers was, that these Acts would execute themselves. Then they discovered that the cause of Boston was the cause of America, so they passed more laws, and sent out a large reinforcement with three able generals. The Americans thereupon became still more united; and the armies that were sent out did more harm to our friends the Tories than to our enemies the Whigs. Next, Ministers rejected the last effort of the moderate party—the New York Petition. Then he described the military operations—the result of the first campaign was that General Howe was driven out of Boston. He took New York, gained two or three battles—and then came Trenton. In our last campaign we have got three towns instead of one—and we have had the affair of Burgoyne. The question now is, Can we go on? Our credit is already more shaken than it was at the

[1] They came to hear Fox. When the gentlemen had been turned out, Johnstone, whose friends had been banished, shouted that "All must go." "A scene of great agitation followed. Amid the unusual flutter of lace, silk and spangles, demonstrations of resistance were not imperceptible. But at last the ladies, amounting to more than sixty in number, and including Lady Norton, the wife of the Speaker, and the young and beautiful Georgiana, Duchess of Devonshire, were obliged to retire."—(*Public Advertiser* of February 3, 1778, and Hatsell's *Precedents*, ii. 172.) After Burke's great speech, Johnstone congratulated Ministers on having turned out strangers—if they had heard the speech they might have torn Ministers to pieces!

end of a six years' war with France. The papers on the table show that it will be very imprudent to send any more troops out of the kingdom. The peace establishment of Great Britain has been 17,000. "I think it too high; but such it has been of late years; 17,000 for Great Britain, 12,000 for Ireland; 3500 for Gibraltar, and 2300 for Minorca. This makes altogether 34,800." This is for peace. But various reasons make us fear war. Fox then showed from the papers on the table that the whole number of troops now in Great Britain did not exceed 15,000, and in Ireland 8000. "I think, Sir, it would be madness to part with any more of our army."

"To the great surprise of everybody out of doors," no one made the smallest reply to Fox, but his motion was lost by 165 to 259.

On the 6th the Lords examined witnesses as to the Commercial Losses occasioned by the American War. Alderman Woolbridge gave the number of ships taken or destroyed by American privateers at 559—their value, on a very moderate calculation, at £1,800,633, 18s. Of these ships, 247 traded to the West Indies. He had made his calculation with the help of "Mr. Hake, secretary to the subscribers to Lloyd's Coffee-house, where a book, containing a faithful register of all the ships that sailed outward, or were entered inward," from all parts of Great Britain and Ireland, is kept "with the most minute correctness." Insurance used to be 2 per cent. to America; is now more than double, even with convoy; and without convoy is 15 per cent. Seamen's wages have gone up from 25 and 28 to 55 and 65 shillings a month. There have been upon the seas 173 sail of American privateers, with at least 13,000 seamen and 2000 guns. The American War has caused many bankruptcies—when the Prohibitory Act passed, there was about two millions sterling due to British merchants from America. In the six months' grace allowed by the Act, the Americans transmitted about £500,000 worth of goods, in part-payment—these goods, were they now on hand, would be worth two millions from the increased prices. There was still due £1,500,000, which debt was not worth 5s. in the pound—less where due from provinces which had been destroyed by sword and fire. £72,000 was due to the house in which Woolbridge had lately been a partner—he would gladly sell the debt for 10s. in the pound.

William Crighton put the losses of merchants at two millions sterling up to last October—by now they must be two hundred

thousand pounds more. The Islands had been pillaged by the privateers—especially Tobago. Much of this loss had been incurred because the merchants were not allowed to take a single pound of powder on board, lest the rebels should be supplied.

Mr. Olive showed the damage to Newfoundland traders—fifty of their ships had been taken, worth about £2000 each, and many small vessels; trade had improved of late, as we sent more fish to Bilbao; but the fishermen's wages had gone up from £8 to £14 a month.

James Shoolbred, of Mark Lane, an African merchant and under-writer, said the African trade did not now send out one-fourth of the former number of ships (200 a year). Fifteen had been taken—average value, £7000 outwards, and homeward (with freight of slaves) £9000.. "Each slave was worth at least £35." The value of the ships lost was £140,000.

Sandwich said trade had been diverted, not lost, and the continuance of the war "was in many respects advantageous to this country, and will be more so."[1]

All Richmond's Resolutions were negatived without a division.

The same day Burke spoke for three hours and a half on the Military Employment of Indians. Ministers had made three excuses—first, they had said that the rebels would have used the Indians if we had not. Of this no proof had been even attempted, while it was certain the Americans had made a treaty of neutrality with the Five Nations, which we had bribed them to violate. Secondly, that the Indians were always accompanied by troops, to prevent their "irregularities." If this had been true, the services of the savages would have been a jest—their only real use was the cruelties we were to restrain. But it was impossible to restrain them; both in Burgoyne's and St. Leger's expeditions—though no pains were spared to check them—they indiscriminately murdered men, women and children, friends and foes—indeed, the slaughter fell mostly on our friends, who had been disarmed by the Provincials. As for being accompanied by troops—whole nations of savages had been bribed to take up the hatchet, without a single regular officer or soldier among them; in particular, the Cherokees were bribed to invade Carolina, and were promised the support of a large regular force, but for

[1] "There never was a speech like that of Lord Sandwich's, to prove the benefits arising from the American war, in ignorance, folly and impudence, in parliament assembled."—*Lord Mahon to the Earl of Chatham*, February 11, 1778.

want of that force were nearly exterminated. Moreover, on the least appearance of ill-success they not only abandoned their friends, but often turned their arms upon them. And the expense was monstrous—one Indian cost as much as five of the best European regulars. They had cost not less than £150,000, and yet there had never been more than seven or eight hundred of them in the field at once, and that only for a very short time. In this speech Burke spoke of the various attempts to excite negro insurrections in Virginia and Maryland. Suppose the negroes had revolted and massacred their masters? Then we must have had another war to massacre *them!*

Ministerialists made a shameful exhibition of themselves, and the House divided against Burke's motion.[1]

On the 11th Fox presented Twelve Resolutions on the Number of Troops in America, as shown by the Returns. In 1774 so many were sent, in 1775 so many—and so on. In 1777 there ought to have been a few over 48,000, whereas by all the last returns the whole number of British and Foreign troops was only 28,000—whence he concluded we had lost 20,000. And from this, again, that America could not be subdued by arms.

George Grenville—eldest son of the late Minister—now made "an animated speech," in which he explained that he had supported the war with but one object—revenue. Principles were become "merely matter of speculation—expediency must now be considered." He did not believe the plan for conciliation would succeed. The men who offered it were execrated from one end of America to the other; their best intentions would be interpreted as "lures to ensnare and betray." There was one way, perhaps—if a man who has served this nation with honour to himself and glory to the country—a man of whom the House of Bourbon stands peculiarly in awe—a man who unites the confidence of England and America—were to treat with America. "There is not one present who is ignorant of the person I mean. You all know that I mean a noble and near relation. He is the man whom his Majesty ought to call to his counsels."

The Debate of February 13, on the Navy Estimates, gives us a glimpse of how the North Administration did the nation's business. Temple Luttrell showed that Sandwich's requisitions far exceeded those of any of his predecessors. Including the present Estimates (£781,911) the House of Commons had given

[1] Barré offered to go himself, and nail up Burke's speech on every church door beside the Royal Proclamation ordering a General Fast for February 27.

him about £2,100,000 for building, rebuilding, and repairing the ships and vessels of his Majesty's Navy—that is, for the mere hulls, masts, and yards; for besides this there was near £800,000 for keeping them up when out of commission; and above £600,000 more for extra stores. All this exclusive of what was allowed to replace the stores lost in the fire at Portsmouth dockyard, and of considerable demands for timber.[1] More money had therefore been voted the noble lord on the Extraordinary estimate alone than would have built 100 men-of-war, and equipped them for sea. And even this did not include ordnance. And what is there to show for it? Fifty ships of the line fit for sea in case of a foreign war. When Lord Hawke left the Admiralty, there were 80 in good condition, and 59 fully manned for war. Then Luttrell went into the details of the money spent on repairs—more than would have built new ships! The *Namur*, £39,335 in the last four years; the *Defence*, £29,500. Then the *Dragon* (a 74)—in 1771 the Admiralty came to Parliament for £5000 to repair her; in 1772 for £7000 more; in 1773 £4000 more; 1774 £4000 more; 1775 £7000 more—in all, £27,000, besides £10,273 for her stores. 'But the last sentence of his speech was the most startling. He asked, Does, or does not, that very ship still remain untouched, "in a most rotten state, above Portsmouth harbour," and nothing done to her to this day?

Lord Mulgrave[2] admitted it! "Not one shilling had been laid out in repairing those ships." But the money had been spent for naval purposes—not "put into a bag by the First Lord, or into his own pocket." The estimate was the usual mode of raising money, but was never meant to state the purpose, and if this was a crime, it had been done ever since the reign of James II!

Luttrell retorted that in 1711 the House addressed Queen Anne on abuses exactly similar—they were then called atrocious

[1] Welbore Ellis interrupted Luttrell to explain that the expense was caused by the badness of the timber "imported from abroad." Luttrell asked why they bought so much if it was bad? In a former speech (November 26, 1777) he had commented very disadvantageously on the "Staten oak"—he had been told that the *Mars*, repaired with this timber, found it "so spongy and unserviceable," that she had to "quoin" or wedge her guns, to prevent the bolts from drawing out; and used as planks for decks, the rain penetrated "through its pores" even to the hammocks. To-day Luttrell said that "if the last fire in the dockyards had made a providential sweep of all your oak from Stettin," he believed it would have more than compensated for the other damage!

[2] Constantine Phipps.

crimes in Ministers — and the Queen promised ample redress. Burke exclaimed that it was an insult to present the House "with a fine gilt book of estimates, calculated to a farthing," for purposes to which the money was never meant to be applied. "In the warmth of his indignation," he threw the book of estimates at the Treasury Bench, "which, taking the candle in its way, had nearly struck Mr. Ellis' shins." The £781,911 was then agreed to.

On the 16th the Earl of Thanet communicated to the Lords a letter he had received from General Gates.[1] Viscount Townshend said it ought not to be read—it was from a person at the head of a rebel army—although he had been very humane to General Burgoyne, he was a very unfit person for that House to correspond with. Gower feared it might contain things "very improper for their lordships to hear." Richmond thought it ridiculous to refuse information; and as Thanet was very hoarse, Lord Rockingham read the letter. It was written from Albany, and was a request that Lord Chatham and Lord Camden ("who never bowed their heads to Baal") should be allowed to arrange terms. By withdrawing her fleet and army, England could yet secure the friendship and the commerce of America. Let England seek her greatness and happiness in a commercial alliance, "for there only you must expect to find it." It is a curious touch, that Suffolk impudently complimented Rockingham "on his candour, for having read, with so much distinctness and firmness of voice, that part of the letter which speaks so highly of Lord Chatham." Rockingham replied coldly that he read the letter because he was anxious to give the House information, which the King's servants, on every occasion, wilfully withheld; and he wished to attend to General Gates' proposals, "because he was determined to serve his country by making peace at any rate." In spite of Grafton, Richmond, Manchester, and Bristol, the Lords refused even to let the letter lie on the table. Then they went into Committee on the State of the Nation, and of the forces in America; and Weymouth called war with France "a subject so foreign from the question" that he wondered the noble Duke (Grafton) introduced it. "Nothing could be more pacific than the professions of the Court of Versailles; he would not, however, hold himself answerable to be called upon, should a war happen to break out shortly." He admitted that France "was arming herself." Camden reproached the Lords with their long adjournment — "a recess of six weeks, at so awful and important a crisis," and now, when it is too late, they come with

[1] The Earl of Thanet and Gates had been friends.

a proposal to Parliament! He had lately seen an extract of a letter from Dr. Franklin, which said that a proposition tending to peace would *then* have been accepted; but that *now* it was too late. Camden had received many intimations of a treaty between France and America. If the Minister knew this—and knew that the inevitable consequence must be war with France—what a mockery of the nation will be his proposition!

Richmond went minutely into the number of men in America. He showed that there were now 36,731 (including officers). The whole number sent out, with the small force there already in 1774, was 61,648. From this he estimated our total loss, by death, desertion, captivity or sickness, at 24,917.[1] It would take a reinforcement of 11,885 men, of old troops, to make the present army in America equal to what it was during the last campaign. He moved Resolutions confirming these undeniable statements—but they were all negatived.

The air was thick with rumours of a French Treaty when, on February 19, Lord North proposed his new Conciliatory Bill, in what was perhaps the silliest speech ever made by a Minister. His appearance was pitiable. "He spoke with deep dejection in his countenance, and tears in his eyes.[2] He protested he was from the beginning disposed to peace, but the coercive Acts he made seemed necessary at the time—though in the event they produced effects he never intended. As soon as he found this, he tried conciliation"—but his proposal was made to appear obscure, "by a variety of discussions," so it "got damned to America"; and Congress represented it as a scheme for sowing division, and "introducing a worse form of taxation than the former." He always knew "American taxation could never produce a beneficial revenue." "The Stamp Act was the most judicious that could be chosen"—but he did not believe it would have produced much—nothing at all if they had chosen to go on without stamps. But he never proposed any tax on America—he found them taxed when he unfortunately came into Administration. But as he did not lay it, he did not think it advisable for him to repeal the Tea-tax—"nor did he ever think of any particular means of enforcing it." He could not see why the Americans complained of it—"it was a relief to

[1] In a former debate Barrington had said that only 1200 had been killed in the three years' war. But he was obliged to add that this did not include those who died "natural deaths," or were disabled by wounds or sickness from further service, or deserted, or were captured.

[2] Albemarle's *Life of Rockingham.*

them, instead of an oppression"—but the ill-affected represented it as a monopoly. One of the present Bills was meant to quiet America on the subject of taxation; but he could not repeal *all* Acts since 1763, because some passed in 1769 were beneficial. The Charter Bill, and the Fisheries and Prohibitory Acts should cease, and Commissioners should go out to talk over the rest. To remove the difficulty of there being nobody to treat with, he would give these Commissioners power to treat with the Congress *as if it were a legal body*; and they should treat with any of the Provincial Assemblies in the present civil capacities, or military commands—with General Washington, or any other officer. If he was asked why he did not do this before—it was because he was waiting for a victory. He thought Sir William Howe's victories had been more decisive. When he found they were not, the first thing that occurred to him was to raise more men; but he had since reflected that events are uncertain—he had been so much disappointed — and, "in the case of the utmost success," the terms now proposed must still be offered —so he would offer them at once. The war had turned out very differently from his expectation—not that he meant to call in question the conduct of our commanders. Sir William Howe was always much superior to the American army opposed to him; and until the affair at Bennington, General Burgoyne's army was near twice as strong as General Gates'. All these things had happened in a manner very contrary to his expectations. But he had never made a promise that he did not perform—he said a great fleet and a great army should be sent out—and they were; there were upwards of 60,000 men. He said they should be provided with supplies—and they had been, and might be for years to come; and "if the House was deceived, they had deceived themselves." We could go on much longer —we had many more men to send, and the navy never was stronger, and the revenue very little sunk, and he could raise the supplies for next year; and he submitted the whole, and his own conduct, to the judgment of the House.

This deplorable, appalling exhibition was listened to with "profound attention but without a single mark of approbation from any man in the House"; and when he sat down, there was "a dull, melancholy silence for some time."

"Astonishment, dejection, and fear overclouded the whole assembly."[1] What did his hints at resignation mean? What had happened? Was the French Treaty signed?

[1] *Parliamentary History.*

At length Fox rose. He would not refuse assent to the propositions—they did not differ materially from those of his friend Mr. Burke, three years ago—the minority then used the same arguments and almost the same words as the noble lord had just used. But if these concessions came too late, what punishment would be sufficient for those who adjourned Parliament, and waited till France had concluded a treaty with the independent States of America? He had sure information of this. Did Ministers know it? Was there a treaty which would make this Bill as useless as it was humiliating?

It was long before North replied. When he did, he could only say that he did not know from authority that the treaty was signed. "It was possible, nay, too probable; but not authenticated by the Ambassador."

Leave to bring in the Conciliation Bill was granted without a division.

On the 2nd of March, in moving the Third Reading of the Bill to appoint Commissioners, Sir Grey Cooper expressed his certainty that these offers would bring to our side every moderate man, and every man of property, "who is not too far embarked." "Now that the terror of taxation by the Parliament of Great Britain is removed," and "they compare our mild and equal government" with what they have now, "the affections and charities of former relation" will be revived. The French Alliance is most unnatural—"and can only be dictated by despair." It is the alliance of "a high-spirited free people with a despotic government; the religion of the severest Protestants, with a great, powerful, and ambitious Catholic state; the plain and simple manners of the Americans, with the fashions of a high-polished and luxurious nation." After paying the Americans these compliments, Cooper went on to describe the miseries we had inflicted on them as marks of our esteem—he lamented them as much as anybody, but their leaders brought it on them.

This day Wilkes brought a frightful indictment against Ministers for their use of Indians. He contrasted our conduct with that of the Americans. After the capitulation at Saratoga, General Gates had shown "a refined sense of honour, unparalleled in European armies."[1] Burgoyne had been treated with respect—he "had dined with the American hero"; nothing unkind was said to him, except asking, "how he could find it in his heart to burn

[1] This referred to his not allowing his own troops to be present while the British piled arms.

the poor country people's houses wherever he passed?" And Burgoyne had answered, "It was the King's orders." All Burgoyne's letters showed that the Canadian campaign "originated from the closet of the King"; and the employment of Indians was "among the primary ideas." Colonel Butler was directed to distribute the King's bounty among the savages who joined the army—and after he had given the presents he asked for £4011 "York currency" more. Wilkes read from Butler's letters[1]—on the table of the House. In one, he says, "I flatter myself you will not think the expense, however high, to be useless." In another—of July 28, from Ontario—"The Indians made a shocking slaughter with their spears and hatchets. The success of this day will show the utility of my endeavours to conciliate so serviceable a body of allies." Wilkes declared that in some parts nearly as many women and children "expired under the torture of the tomahawk and the scalping-knife" as men were slain in fight. He read Burgoyne's letter of June 22, 1777, in which the General said he "met the Indians yesterday in congress, and gave them a war-feast according to their custom"—of which war-feast, said Wilkes, we know the most solemn ceremony to be the "drinking human blood from the skulls of their enemies." And Burgoyne consented at that conference to their taking the scalps of the dead!

To all this there was no reply.

Ministers reckoned on these Conciliatory Bills being lost—Opposition would reject them because they gave too little, and their own extremists because they gave too much. But they were disappointed. No one could endure the Conciliatory Bills; but when the Speaker said, "The Ayes have it," though three-fourths of the House were against, no one dared say "The Noes have it." So the Bills passed the Commons on the 2nd of March, and the Lords on the 9th, without a division, though to them, too, "it was the cup of humiliation."

That day the Duke of Grafton told them that Mr. Fox had private information that the French Treaty was signed—and he himself was as sure of it as though the whole Cabinet told him. Weymouth confessed he had heard "an out-door report," but he knew nothing; and he asked their lordships to remember that

[1] "Colonel Butler's letter to Sir Guy Carleton of July 28th says, 'Many of the prisoners were, conformable to Indian custom, afterwards killed.' Has the Secretary at War (Lord Barrington) yet thanked the savages in the King's name for their alacrity?"—*Mr. Wilkes on Lord North's Conciliatory Bills*, March 2, 1778.

on the 5th he had stood up in his place, and declared he knew nothing of any such treaty being either in contemplation or existence! Appealed to by Grafton, he again declared he knew nothing. That day, too, Rockingham commented strongly on the language adopted "since the commencement of the present reign," about such and such being "the King's measures." Now the King's friends venture a step farther—instead of calling the war the war of Parliament, or of the people, it is "the King's war," "his Majesty's favourite war." This is most insolent and unconstitutional. "The King can have no interests, no dignity, no views whatever, distinct from those of his people."

On the 11th the Lords enquired into the Transport Service, and why the Treasury paid so much more for freight than the Navy Board—Effingham said the difference amounted to £178,000. Atkinson was examined as to this. He explained that so many transports were wanted, he had had to send to every ship-builder in the kingdom, and even to Holland. The ship-owners preferred a contract with the Navy Board—they said that in the Board's service ships lay in port, and were not wearing out their tackle, etc., as they did when employed by the Treasury in continual voyages to America! Questioned by Richmond, Atkinson owned his commission used to be 2 per cent., but last July the Lords of the Treasury sent for him, and asked if he could not do it for less, and since then had only given him 1½ per cent. Effingham exclaimed that on the lowest computation £150,000 of public money had been wasted—the transaction was a job—a contract made in the dark with a favourite contractor! And Shelburne pointed out that Atkinson only agreed to take less when he knew his contract was being looked into.

And now all the denials and subterfuges of Ministers were swept away at a stroke. On March 13 de Noailles, French Ambassador in London, informed Lord Weymouth that his Government had signed a TREATY OF AMITY AND COMMERCE WITH THE UNITED STATES OF NORTH AMERICA; and on the 17th the King informed both Houses that he had recalled Lord Stormont.

Hutchinson now notes in his *Diary*: "Everybody where I go is out of temper." Welbore Ellis had even advised him to keep out of sight as much as he could—"there is scarce a day but someone has a fling at you in the House."

On the 21st Franklin and the other Envoys were presented to Louis XVI at Versailles. Louis did not like it—after all, the Americans were rebels. But all his people were for them, and his Ministers told him that now was the time to avenge the Seven

Years' War. The Lees and Silas Deane[1] decked themselves out in lace and powder, but Franklin only wore the suit of Manchester velvet which he had on the day, five years ago, when Wedderburn held him up to the execration of the Privy Council for publishing Hutchinson's Letters.

Next day the King sent down a Message on the Treaty, so angry that it was almost equivalent to a declaration of war.[2] In the Lords, Effingham made a remarkable speech, which recalls the days of the Grenville Administration. Ministers, he said, were totally incapable. He knew not who had better succeed them, but there should be one rule—they must be men who would not be subservient "to an invisible power." This was the root of all the evils which had poured in upon us since the commencement of the present reign. Whoever resisted "this secret, concealed impulse," was proscribed, however able; whoever obeyed it, was patronised, however weak, ignorant, or incapable. To drag this secret, undermining power into the face of day ought to be the first great object. Till that is done, a change of men will avail nothing—the same measures will continue. The only way to detect this influence is to destroy the distinction between "an ostensive and efficient" Cabinet. He had heard a noble and learned lord (Mansfield) acknowledge he was once a member of that "efficient" Cabinet.

Nobody seems to have dared ask Effingham what he meant.

The debate was really to decide whether we should go to war with France for acknowledging the United States. Abingdon exclaimed, "This is madness! it is desperation, it is folly! No, my lords, it is neither—it is wickedness!" Twelve days ago, Ministers assured us there was no treaty, and there would be peace—now they tell us there is a treaty, and a message from his Majesty calls on us to go to war!

A bellicose reply to the King's Message was carried by 68 to 25.

In the Commons the Debate on the Message occasioned a very important statement by Governor Pownall. Sir George Yonge had said that the treaty was two years negotiating.

[1] Even before the Conciliation Bills passed, Paul Wentworth, Agent of the British Government, had privately promised Deane everything but Independence.

[2] On the same 21st of March, 1778, Lord George Germaine writes to Sir Henry Clinton—"Most Secret"—expressing the King's indignation at the "offensive proceedings of the French Court," and his intention of an immediate attack on the French possessions in the West Indies, for which instructions are given, though no place is mentioned.—*Hist. MSS. Report XIV*, App. 10, p. 461.

Pownall denied this—it was only about six months. He produced a Memorial which the American Commissioners in Paris had handed to the French Ministry last August. He read it to the House. It urged the French Government to secure the friendship and commerce of America, before Great Britain offered terms—it was certain that Britain would soon make a great effort at reconciliation. "The first resistance of the Colonies," said the Memorial, "was not to obtain independency, but a redress of their grievances." A majority have now "put in for the prize of independency," but they did so in confidence that France would support them. If they find themselves disappointed, they may be inclined to accept such terms as Britain may offer. Lord George Germaine had lately said that his hope of ending the war this year rested on this disappointment of aid from France. The Memorialists reminded the French Government of the humiliations of the Seven Years' War—this was the most favourable opportunity ever offered of humbling "a powerful, arrogant, and hereditary enemy." Moreover, Britain is already incensed at the help already given, and most likely, when peace comes, she will seize the sugar-islands to make up for her losses, and to punish France.

The Memorial, continued Pownall, had no effect. On the contrary, seeing that America began to be hard pressed—news had arrived that Burgoyne had re-taken Ticonderoga — the French Ministry tried to drive her to despair, that she might surrender her interests to France without conditions. There was almost an open breach; and the Commissioners wrote to Congress, setting forth the situation. Here, said Pownall, was the moment for Great Britain to step in and offer terms, and though independence was to be a *sine qua non*, the Americans promised that everything should be so done as to save Britain's honour. "I betray no confidences — I am authorised for all I say." He received a letter from Paris last September, which represented that the French Government were keeping the Commissioners in "a very perplexing state of uncertainty," and seemed more anxious than ever to avoid a war with England. If the English Ministry had the wisdom immediately to acknowledge independence, a treaty might be made which would put Britain in a "happier and more flourishing situation" than she could arrive at by any other way. Pownall had at once communicated this letter to Ministers. The reply was, "that the ground was inadmissible in the first instance." "There the matter dropped —this one opportunity was lost for ever."

In a remarkable passage Pownall told the House that the Americans "are, and must be, independent." Every step we take to put them back from it, only convinces them of the necessity of going forward. He bade them look into their "four great acts of State" — the Declaration of Rights, in 1774; the "Manifesto to all the world"; the Declaration of Independence, and the Act of Confederation. By these they had established "a great republican empire." And now France has acknowledged them—and Spain and Holland will follow. To suppose they will now give up all this — pull down their own new governments to receive our provincial ones, "is nonsense, not even to be listened to!" We must treat with them now as independent States. But the French Treaty is not yet ratified by Congress — "we may yet be in America with our propositions before it is ratified." He proposed a federal treaty, "offensive, defensive, and commercial." If less than this is to be offered, our Commissioners had better not go. The French Treaty is not exclusive—the ground is open to us, if we are not too proud to tread upon it. Whether we do so first or last, we must acknowledge their independence.

The words of wisdom fell on deaf ears. The debate went off into defiance of France. Again North talked of standing by the ship "untill he should have brought her safe into port." He saw no foundation for alarm — the dread of invasion was a bugbear—and even if it happened, there was very little reason to fear the consequences! Our navy was never so flourishing; and when the new Levies are completed, we shall have 30,000 men for the defence of the kingdom. And his Majesty is resolved to call out the militia.[1] So the Commons rejected the Amendment (calling for the removal of Ministers) by 113 to 263, and went into Committee on the State of the Nation.

On the 19th of March came on the Debate on the Failure of Burgoyne's Expedition. Fox said the sole design in sending Burgoyne to Canada was that he might force his way to Albany, and there make a junction with Sir William Howe. "But orders were given only to one party—the other party was left ignorant of the design." This appears from the Minister's letters to the Commanders, and the Commanders' letters to each other. Two men were to meet at one place, but only one was told to go

[1] The panic was great enough for indirect overtures to be made to Rockingham, through Coutts the Banker. But Rockingham steadily refused any sort of coalition.—ALBEMARLE.

there. Thus thirteen provinces were lost. He announced his intention of moving a Resolution of Censure upon Lord George Germaine.

Ministerialists were sorely put to it—Germaine must be saved, but they did not know on which General they had better throw the blame. North protested that Germaine had done nothing without the concurrence of the Cabinet. Germaine, for all defence, repeated this statement. Dunning retorted that he had promised to send General Howe the same orders as General Burgoyne, "but never did send them." Dunning positively asserted this, and Germaine made no reply.

After a long debate the Committee divided. For the Resolutions, 44; against 164.[1] Then Fox rose in wrath, declared he would not make another motion, took the Resolution of Censure from his pocket, tore it up, and left the House.

On the 23rd Burke objected to the charge for Scalping-knives in the Army Estimates. He moved to disallow the sum of £160,837 in Sir Guy Carleton's account—which seemed to have been spent "to carry on a Savage War, contrary to the usage of civilised nations." Also the sum of £16,000 spent for the same purpose in the south; and the sum of £5000 spent on a war of insurgent negroes against the inhabitants of Virginia; and whatever was paid for "100 Crosses, and five gross of Scalping-knives, the said expenditure being disgraceful to religion and humanity." There seems to have been no discussion. The Amendment was lost by 21 to 56; and the House passed to Colonel Barré's Motion for an enquiry into Public Expenditure.

Barré began by commenting on the enormous sums granted for Army Extraordinaries during the last three years. He read out the sums, the particular services, the names of the contractors. He compared the expenses of "the late glorious war" with those of the present disgraceful, ruinous, and inglorious one. When we had near half Europe to contend with, our expenses were not near so great. "Here he took a particular view of agents, contractors, splitting of profits, etc., particularly of the contracts and agencies of Harley and Drummond, on the Spanish, Portugal, and British gold coin; and the self-denying Mr. Atkinson, relative to his rum contract, and agency for the

[1] Fox moved three other Resolutions—That the Expedition was ill-concerted; That, from the measures adopted, it could not have succeeded: and That the instructions sent to General Howe were not such as to ensure General Burgoyne's success.

transports." In Harley and Drummond's account there were no vouchers for £80,000. For three years now we have been promised the vouchers next year—they always tell us they have not clerks enough. Better make Mr. Atkinson, "the precious agent and contractor," auditor — he could be in his own person, all the clerks, surveyors and commissioners that are wanted. He made us pay full 50 per cent. too much for the rum, and on the transports we have lost 20 per cent. And even the waste is not all—the money is permitted to lie for fifteen or twenty years in the hands of favourite place-men, favourite agents, favourite contractors, while "this ruined, distressed nation" is borrowing at more than 5 per cent. There is Mr. Gordon, inspector of provisions at Cork, on £10,000 a year! And the noble lord in the blue ribbon is so criminally ignorant as not to know currency from sterling! Here North rose "in great warmth," and said he was pretty sure the price for the rum was sterling. He was so angry that he was called to order by the Speaker. Then Barré went on about the items of the Extraordinaries — £108,000 for sheep and cabbages; and £40,000 paid to Lord Cornwallis without account—doubtless spent in bribing Tories!

At last, for very shame, North was obliged to say he had no objection to a Committee—"but not upstairs"—he wanted a Select Committee.

Then came more debates on the State of the Navy, till Sandwich said he heartily wished the enquiry had never begun —it was telling France where she might attack us. The Duke of Bolton said he was convinced France had the most minute account of our navy — it was from Parliament that the noble lord wished to conceal its condition! He brought up a disgraceful business at Greenwich Hospital. The debate became exceedingly angry, and at last — while Effingham was saying that if Ministers would not tell the public how their money was spent, he would—the Lord Chancellor left the woolsack, declaring he must support the honour of the House. Effingham had spoken of "a servile majority" — the Chancellor had never heard so indecent a charge! As for himself—would any lord venture to say *he* was under influence? Ministers knew his place was no tie upon him!

Poor Ireland's voice was now heard. On April 2 Earl Nugent told the House that the present situation made it necessary to revise the trade laws—"as impolitic as unjust." The concession he asked was that Irish manufactures might

be exported direct—in British ships—to any British plantation, or any settlement on the coast of Africa. It was, in fact, an attempt at free trade within the Empire. Several members—all of whom "wished well" to Ireland—expressed fears that England's trade would be ruined. Ireland would undersell us—taxes being so low and labour so cheap in Ireland. Lancashire would lose £100,000 a year "by the article of checks alone," if Ireland were thus "indulged." Lord Beauchamp replied that Irish taxes were "many and high," and that kingdom was reduced by oppressive laws to "a wretched situation." Thomas Townshend said he would do more—he would grant such "indulgencies" to Irish Catholics as should attach them to our government. North, in one of those flashes of his true self, which show what he might have been as a Minister in better times, supported Nugent's proposal. Let the House do what is in its power—relax the trade laws, but let the Irish Parliament grant indulgence to the Catholics—he was sure they would, "for there was not anywhere a people of more liberal sentiments than the Irish." The Penal Laws were passed under the influence of fear — "which, however groundless, always adopted the most cruel and severe policy. The Irish complained, and complained with justice."

But though the Bill had far more supporters than opposers, it was so much petitioned against that most of its provisions were dropped "for the present," though the House was warned that it was dangerous to excite hopes and disappoint them. A curious incident shows how much foundation there was for the cry that justice to Ireland meant ruin to England. By a mistake, Burke brought in a Bill to allow the importation of Irish sail-cloths. It raised a storm of petitions —it would ruin English sail-makers. But when everyone had been duly frightened, it was discovered that this ruinous liberty of importing Irish sail-cloth had long been established by law!

CHAPTER LXX

CHATHAM'S LAST SPEECH

"I solemnly declare nothing shall bring me to treat personally with Lord Chatham."—*The King to Lord North*, Queen's House, March 16, 1778, 28 min. pt. 8 a.m.

"Lord North, I am grieved at your continually recurring to a subject on which we can never agree. Your letter is certainly personally affectionate to me, and shows no signs of personal fear; but, my dear Lord, no consideration in life shall make me stoop to opposition. I am still ready to accept any part of them that will come to the assistance of my present efficient Ministers; but whilst any ten men in the kingdom will stand by me, I will not give myself up into bondage."—*The King to Lord North*, Queen's House, March 17, 1778, 25 min. pt. 11 a.m.

"I thought it my duty to represent to his Majesty the general dismay which prevailed among all ranks and conditions, arising, as I apprehended, from an opinion that the Administration was not equal to the times; an opinion so universal, that it prevailed among those who were most dependent on and attached to his Ministers, and even among the Ministers themselves."—Lord Barrington, *Life*, p. 186.

"May not the political exit of Lord Chatham incline you to continue at the head of my affairs?"—*The King to Lord North*, April 8, 1778.

THE thoughts of many beside George Grenville the Younger turned to Chatham, the one man who might save the country even yet. North, quailing before approaching disaster, was imploring permission to resign, and the King was alternately commanding and entreating him to remain—not to "desert" him, as Grafton did—to stay if only to the end of this session. Some doubt hangs over the details of the attempted negotiation with Chatham. The statement of Dr. Addington[1] and the denials of Sir James Wright and Lord Bute will be received according to the degree of credit we may be disposed to give to each,

[1] "I have read the narrative of what past between Sir James Wright and Dr. Addington, and am fully convinced of what I suspected before, that the two old Earls, like old coachmen, still loved the smack of the whip, and that Sir James Wright, to appear a man of consequence, has gone beyond his instructions; certainly it would have been wiser if no messenger had been sent."—*The King to Lord North*, July 12, 1778.

and the degree of ambiguity we may think lurks in the language. Addington says the proposals came from Wright—Wright says they came from Addington; but no one has attempted to deny that Chatham, if he really was asked to form a Cabinet with North, or with Bute, gave a peremptory refusal. The King's angry references to "that perfidious man," to "Lord Chatham and his crew," his protests that he will "sooner risk his crown than become a slave—they shall have another King" —show that whatever was the truth as between the two physicians, the King could make nothing of Chatham. The Rockinghams did actually try for Chatham's alliance, but Chatham would never yield on Independence.

The 7th of April, 1778, is a day that will never be forgotten in the history of Parliament. That day Chatham spoke for the last time in the House he had so much better never have entered. The debate was on the Duke of Richmond's motion for an Address to the King on the State of the Nation. The Address itself was a terrible indictment.* It told the King—

That in 1774, the land forces in America were 6884 men; in 1775, they were 11,219; in 1776, 45,865; in 1777, 48,616. These forces had the assistance of a very great and well-appointed train of artillery. Besides these, 83 men-of-war and armed vessels had been employed, with a complement of 22,337 men.[1]

After three years, we have only got two open towns, difficult to be maintained, and a few islands on the coast. All the continental parts of Rhode Island, New York, Pennsylvania, and the whole provinces of New Hampshire, Massachusetts, Connecticut, the three Counties of the Delaware, Maryland, Virginia, North and South Carolina, and Georgia, still remain to be subdued.

The loss of men by death, desertion, or otherwise, amounts to 19,381, besides 5336 prisoners. The loss in the navy is about 4314; so in all there have been lost, by these returns, about 29,031 men, exclusive of 4639 sick.

The value of the captures made by the American privateers from the merchants of Great Britain amounts to upwards of £2,000,000.

The African trade is almost annihilated — diminished by £1,400,000 per annum.

The West India Islands are much distressed. The expenses

[1] Richmond said that in all 60,000 land forces had been sent from Great Britain.

of the war will be £24,000,000, if peace is instantly concluded—even one more campaign will probably cost another 9 millions.

The state of public credit is truly alarming — hardly 10 millions of the National Debt paid off in fifteen years of peace! It has increased by 100 millions within the memory of many of us. The want of public confidence appears from the low state of the Funds, and the discredit of the new loan, which sells considerably under par, though the terms given this year for 6 millions are higher than those given for 12 millions in 1761, in the seventh year of a war with the House of Bourbon.

Under all these circumstances, "we can give his Majesty no better advice than instantly to withdraw his fleets and armies from the thirteen revolted provinces," and to effect conciliation with the Colonies on such terms as may preserve their goodwill.

After a foolish speech from Weymouth, Chatham rose. He had been ailing since the end of January, and he came to the House that day, "leaning upon two friends,[1] lapped in flannel, pale and emaciated. The peers stood to receive him. Within his large wig, little more was to be seen than his aquiline nose and his penetrating eye. He looked like a dying man; yet never was seen a figure of more dignity; he appeared like a being of a superior species."

He rose from his seat with slowness and difficulty, leaning on his crutches, and supported under each arm by his two friends. "He took one hand from his crutch, and raising it, cast his eyes towards heaven, and thanked God he was able to come there that day, to perform his duty. 'I am old and infirm; have more than one foot in the grave.' Perhaps I shall never again speak in this House!

"At first, he spoke in a very low and feeble tone; but as he grew warm, his voice rose, and was as harmonious as ever; oratorical and affecting, perhaps more than at any former period; both from his own situation, and from the importance of the subject. He gave the whole history of the American war; of all the measures to which he had objected; and all the evils which he had prophesied, in consequence of them; adding at the end of each, 'And so it proved!'"[2]

The rest of his speech was a passionate protest against giving

[1] His son-in-law, Lord Mahon, and his son James.

[2] See the "Account, taken by memory from the conversation of a Friend, who was in the House at the time, and saw the whole transaction."—Seward's *Anecdotes of Distinguished Persons*, vol. ii. p. 383. (Quoted in the *Parliamentary History*, vol. xix.)

up the struggle. He would never consent to resign American dependency. He would rather be in his grave than see the lustre of the British throne tarnished, the dignity of the Empire disgraced, the glory of the nation sunk, as it must be when the dependency of America was given up. Then he spoke of France. The great war-minister of the Seven Years' War, like an old war-horse scenting the battle from afar, recalled the days—only fifteen years ago, when we were "the envy and admiration of all the world"—when England dictated to all Europe. Now, we are afraid of a French invasion! What, are we changed? Are we not Englishmen? Does not the same blood run in our veins? How many invasions have we stood—how low have we been brought, and risen again! The Danish invasion, the Scottish inroads, the Norman Conquest, the Spanish Armada, the Dutch invasion—and some Lords (here he looked at Mansfield) may remember a Scotch invasion! And shall we now sit down in ignominious tameness, and say, "Take from us what you will, but in God's Name let us be at peace!" Shall we give up all without a blow? If France and Spain are for war, why not try an issue with them? Any state is better than despair. If we must fall, let us fall decently, like men!

As he spoke, "the reverence—the attention—the stillness of the House was most affecting: if anyone had dropped a handkerchief, the noise would have been heard."

When he sat down, Temple said to him, "You forgot to mention what we talked of—shall I get up?" Chatham replied, "No, no, I will do it by and bye." Then Richmond spoke again[1]—beginning by answering Weymouth. When he came to Chatham, he said with the deepest respect: "The name of Chatham will ever be dear to Englishmen"; but even the name of Chatham cannot perform impossibilities—the present state of the country is not what it was when he directed our councils; "the influence of the Crown had not yet got to the alarming height it has since arrived at." And we were then for the most part only contending with France—for by the time Spain came in, "France was exhausted to the lowest ebb," her navy almost annihilated, and her principal colonies in the New World wrested from her. Above all, we had America for us; now, America is against us. "Instead of Great Britain and America against France and Spain, it will how be France, Spain, and America against Great Britain." No one present wishes more

[1] Chatham had told Richmond he should oppose his motion.

than I that America should continue dependent on this country. But as I am convinced that this is now totally impracticable, I want to retain them as allies, because if they are not our friends, they will necessarily throw themselves into the arms of France. What prospect of success have we? We lost 11,000 men in the last campaign. Our peace establishment is nearly 6000 short. After all, are we compelled to resent the action of France? Queen Elizabeth for a series of years openly abetted the revolt of the Spanish Netherlands with both men and money, but Philip of Spain scarcely seemed to take the slightest notice of it. His hands were already sufficiently full. Yet he was then the most powerful prince in Europe.

While Richmond was speaking, Chatham had looked at him "with attention and composure." He now rose to reply, but his strength failed him — he fell backwards. He was instantly supported by those near him — especially by his youngest son, James. The Duke of Cumberland, Temple, and other lords carried him out to the Prince's Chamber, where a physician attended him. Then he was carried to "Mr. Sergent's house in Downing Street, where he was accommodated with every kind and friendly attention, both at this time and on a preceeding day some weeks before." Thence he was taken home to Hayes.[1]

When the confusion had a little subsided, the Duke of Richmond—after giving a warm testimony to the great political abilities and integrity of Lord Chatham—assured the House that though the Earl's illness was violent, he had reason to hope it was but temporary—occasioned by weakness and "the excessive heat of the House." It would be better to adjourn. So the House adjourned, without another word. But Chatham never replied to Richmond.

Chatham's life since 1766 was a tragedy, and a tragedy ended it. Was it not a tragedy that the Minister who had brought the country through the great Seven Years' War should end by imploring his countrymen to continue ruining themselves in a miserable quarrel with their own children across the sea? It was all the more tragic, because if Chatham's counsels had been heeded the country would never have come to this pass. Those who are able to perceive that Richmond's was the better way, should remember the double bitterness with which Chatham must have seen all his work undone—the great edifice of empire,

[1] It was observed that Lord Mansfield sat still, and showed no feeling on this occasion.

which he had reared, shattered by folly; the hearts of Englishmen failing them before enemies they had wantonly raised up to themselves. There was no man in England to whom this could be so bitter; there was no man in England who had done more to avert such a catastrophe. His despair was no unworthy anger at loss of dominion—he asked for reconciliation, not submission; the union of freemen in a free empire, not the subjection of Englishmen beyond the sea to Englishmen at home. If, at the last, the old fighting spirit awoke in him, and he would not see that it was too late, what wonder? He who said with his dying lips that he would never consent to American independence, was the man whose single influence had held America united to England for years after the quarrel began—the man for whose sake America had refused to believe that the British people were consenting to the policy of the British Government.

There was for a generation a disposition to speak of Chatham as merely a great orator; but a great orator could not have conducted the Seven Years' War, and it takes more than oratory to influence the destinies of two nations, as Chatham did. His work was spoiled, and his career cut short, by a faction which gathered up into itself all the worst features of the system which it had cost civil war and revolution to put down in England—the system of secret juntos carrying out the will of a King, of Ministers of State responsible to the King alone, of open resort to the cupidity of men, of gigantic peculations winked at by a Sovereign who rated subserviency to his will above all other virtues in a subject. It is a terrible consideration that faction and George III were able to destroy the great statesman who first conceived the idea of a British Empire. He conceived it nobly. With him there was no base scheme for exploiting natives. The thought of mankind was never far from him—his views were not bounded by the empire he had made—he could thank God, in the name of mankind, that America had resisted. His last speech is no shriek for vengeance on the colonists—it is a defiance to France.

If we think Chatham's last words his least wise ones, we must remember that he asked no slavish submission of America. He thought that if we acknowledged we had been in the wrong, and renounced the right to tax, America would return to us. He would not believe it was too late. And if it is of the essence of tragedy to show us the hero overcome by circumstance, this scene in the House was a great moral tragedy—when the great statesman and patriot, who had seen the danger from afar, and had warned, counselled, implored, denounced, all in vain, now

at this twelfth hour spent his last breath in one last despairing effort to avert the catastrophe he had foretold. Here is deeper tragedy than when the hero falls on the lost field of an actual battle.

In the adjourned debate next day, Shelburne reiterated Chatham's views in the most unworthy speech he ever made. Long after it was remembered against him. He said that "England's sun was set" if she acknowledged the independence of America. After some weak allusions to the private interests that would suffer — those of the heirs of Penn and of Lord Baltimore, of the loyalists, and the merchants of London—he adverted to the fears entertained by some that even Independence would not satisfy America. Perhaps they will demand St. John's and Cape Breton. Then "away goes the fishery and 20,000 seamen." And the West Indies will follow, and perhaps Ireland, till nothing will be left us but this island. The Duke wants us to grant independence in order to avoid war with France—he asks, Where are the men, where is the money to resist France? "I answer, I see the bar full of men—there are three or four hundred now in this House. The streets of London are full of men. I see men every day pass in crowds on the Bath road—which was one continued street almost, till the late distress thinned it. Look round on every side, and see what a scene of population and opulence presents itself. Look into Hyde Park, St. James' Street. Look into the City—there is money enough there." Only let the present blundering Ministry resign, and we shall be able to raise any loan we require. And suppose war ensues? The French are much degenerated from what they were — infinitely more degenerated than we are — I believe our women would suffice to drive out the French if they invaded us! If other men were at the helm, France would not dare to act in this way—I have it on good authority that de Vergennes has said as much. Moreover, "I know France and Spain both to be vulnerable in many places. *Four years ago, a revolt might have been easily fomented in Brittany; the inhabitants were ripe for insurrection.*" Spain is equally vulnerable. "I know a particular part of that kingdom. . . ."

Not content with these abominable suggestions, Shelburne compared the acknowledgment of American Independence to a scene in a comedy between a duke and a sharper—"the Duke gives the sharper 20 guineas—the sharper returns 21—this kind of exchange goes on till at length the sharper runs away with the whole." And as to forbearing to resent the insult offered us by France—if Spain did not declare war with us, the assistance

given to revolted subjects was equal on both sides—for Spain was fomenting disturbances in Ireland.

Shelburne did better when he rebuked the "confidence and insolence" of the First Lord of the Admiralty. It was the duty of the other House to call such men to account. But what is the other House? Can public justice ever be procured through so foul and polluted a channel? Can impeachments be expected from pensioners, contractors, and needy dependants? The other day, on the enquiry about the transports, Ministers sent the very contractors, clerks, and dependants, whose conduct was being called in question, to insult this House with made-up tales to cover their own iniquities. "Before the country recovers, that corrupt House must be new modelled. It is at present the source of all corruptions and misfortunes."

After the division had been taken, and Richmond's Address to the King had been rejected by 50 to 33, the Earl of Abingdon got up and said, "These dead majorities will be the ruin of the nation. Be the question what it will—though the salvation of the country may depend upon it, if it is moved by the minority it is sure of a negative." We are told this is the only way in which his Majesty will receive our counsel—but it is not the only way in which we have a right to give it. "We are the hereditary counsellors of the Crown, and have a right to audience of his Majesty at all times." He moved that the Minority wait on his Majesty with the noble duke's Address—"it contains information worthy the royal ear." Twenty-one lords signed a protest against the continued attempt to deceive the Sovereign as to the true state of affairs.

Next day in the Commons Hartley moved that an end be put to the American War. He recapitulated the dismal story, and urged the folly of going on. "Give us peace with America, and we shall be ourselves again. Give us again the American Family Compact, and I shall be the last to fear the House of Bourbon." If you make peace on fair and equal terms, trade will return, and foreign Powers will stand in awe of us—instead of despising us. Our dishonour comes from those who advised the King not even to give an answer to the petition of all America. The Bills you have just passed unanimously give neither more nor less than what Congress asked in that last petition, three years ago. We cannot have peace on the same terms now—our rule seems to be always to refuse the terms offered, until it is too late. I myself told Administration before Christmas that there was an opening to treat—we might have

prevented the French Treaty. The Americans were disgusted with France. I said then, "Do it before you sleep"—but you adjourned for two months! And now I know you will not consent; and I know the time will come when you will think it a good bargain to make peace simply on terms of independence. Seek the alliance and friendship of America — we are derived from the same stock, we have the same religion, the same manners, the same language, the same love of liberty and independence. "Give up an irksome and sterile dominion."

Abingdon's motion does not seem to have been even put.

On the 10th, supporting Powys' motion, That the Commissioners be empowered to declare Independency, Fox asked how Britons with their eyes open could wilfully give the executive so great an addition of strength as the power of appointing to offices in America? Had we not appointments, douceurs, sinecures, pensions, titles, baubles, and secret-service money enough already? Did not the creatures of Government swarm in every department? Must we add to their number?

The indomitable Opposition next brought forward a Bill to exclude Government Contractors from sitting in the House of Commons.[1] Sir Philip Jennings Clerke, who moved it, cited many of the instances already noticed. Presently the contractors in the House began to defend themselves. Harley declared he wished for an enquiry—his contracts would bear the closest examination. Baker complained that contractors were treated as if they were monsters, and not fit for human society—his contracts had all been honest. He had often voted against Ministers—had voted for the repeal of the Stamp Act. North wished gentlemen would suspend their opinion till the Select Committee had sat. The contracts he had made he made for the public benefit—if they turned out otherwise it was not his fault.

That extraordinary personage, Lord George Gordon, spoke for the motion. He uttered some home truths, as usual. He called North "the greatest of all the contractors—he was a contractor for men—a contractor for your flock, Mr. Speaker, a contractor for the representatives of the people!" He had offered a noble duke a place of £10,000 a year, if the duke would prevail on the most insignificant member of the House to vacate his seat. The noble duke had rejected the villainous proposition. He appealed to North to save his country "and his own life," by "calling off

[1] The Bill merely excluded close contractors—as Mr. Turner said, "for being private plunderers, in a conspiracy with a corrupt administration to plunder their country."

his butchers" from the Colonies. It will be supposed that North indignantly denied that he had tampered with the Duke of Gordon —but no; he only denied that the proposition was "villainous"—a highly unparliamentary word! More surprising still, leave was given to bring in the Bill, and on May 1st it was read a first time. North opposed no argument—he trusted to the number of the "flock." But he was again disappointed, for the Bill passed the Second Reading, though by a smaller majority. On the Third Reading a greater effort was made. In a crowded House, Lord George Gordon called the motion a cleansing of the Augean Stable—"this dunghill of contracts," which had given an ill air to our whole proceedings. "Our constituents begin to smell a rat; they nose us in the lobby, and call us taylors and shoemakers; colliers and cabbage-salters, potatoe-forestallers, sour-crout makers, and swine contractors." Our fair name is "sinking in porter and salted cabbage." An hon. member,[1] "one of the most ancient contractors within these walls," has said that contracting in this House is the very spirit of trade—the noble lord in the blue ribbon may find it so—a day may come when a few of his steady friends may contract for the black cloth and scaffolding for their patron's execution! There would have been a small majority against the Third Reading, but Pownall warned them how indecent this would look, so the Bill was shelved decently by being referred to a Committee that day two months, and the contractors breathed again.

Sir George Savile's attempt to get the Quebec Act repealed failed. Germaine had now had his way—Carleton was recalled, and General Haldimand was appointed Governor of Canada.

On the 5th of May the King's Message for a Vote of Credit brought up the whole question of Supply. As soon as the Vote of Credit (for a million) was moved, Opposition began on the national defences. The militia had been called out, but were without arms, and were encamped without tents. A navy neither manned nor victualled lay at Spithead. The French fleet (twelve ships of the line) had sailed from Toulon on the 13th April; Ministers did not know it till the 26th, and nothing had been done to oppose its sailing. Rebel privateers were pillaging our coasts, and Spain had returned the salute of one of them. Fox asked who would vote a single shilling to such an Administration? Germaine owned appearances were against Government, but "a full enquiry" might place their case in a different light. He had called Ministers together as soon as he could. He hoped our affairs would take a happier turn. It was not safe to send the home fleet after d'Estaing

[1] Mr. A. Bacon.

till we knew where he was going. Fox retorted that Ministers had admitted the navy was inadequate to defend the Empire. Now they had let the French go to destroy our army in America! Burgoyne's disgrace would be followed by Howe's. Had a fleet been sent after d'Estaing even yet? Germaine replied that he wished orders could have been sent to Spithead quicker; but our navy was formidable, and growing more formidable every day—there were the fairest hopes. At such a time the painful pre-eminence of office was little to be envied, and if any gentleman of talents wished to take his place——

It is refreshing to turn from this exhibition to Sir George Savile's Bill for the Relief of Roman Catholics.[1] It was to relieve them from penalties and disabilities under an Act of William III—for where Catholics are concerned the English people visit the iniquity of the fathers upon the children to the tenth generation. Savile truly said that all persecution *ought to be* wholly adverse to the principles of the Protestant religion—"it ill became us to practise that with which we reproach others." He said he "did not meddle with the vast body of the penal code, but selected that Act on which he found most of the persecutions had been founded, and which gave the greatest scope to informers and interested relations." The Act made it felony in foreign priests, and treason in natives, to teach or officiate in this country; it forfeited to the nearest Protestant heir the estates of Catholics educated abroad; it allowed a Protestant heir to take away the estate of his Catholic father, and deprived papists of the power of acquiring any legal property by purchase—by which was meant property acquired by any other means than inheritance. A popish priest was liable to imprisonment *for life* for officiating in the services of his religion. It had not always been put in practice, but it always could be. Savile referred to a late very humble and loyal Address, just presented to the King by the Catholic Peers and Commoners, praying for relief, and assuring his Majesty that they held no opinions adverse to his Government, or repugnant to the duties of good citizens.

It is some small alleviation of the shame with which every consistent Protestant must remember this Act, to know that the repeal passed both Houses without opposition; and so the wrongs of ages began to be redressed.

On the evening of the 11th of May, Barré, with great emotion, informed the House of the death that morning at Hayes of the Earl of Chatham, and moved that the great statesman should have a public funeral.

[1] May 14, 1778.

For many a year Chatham's name had hardly been mentioned at Court. A great public demonstration was much dreaded by Ministers, and would have been extremely disagreeable to the King —for though Chatham's last speech pleased him, he never forgave "that trumpet of sedition"—now happily silent for ever. So Rigby suggested that a monument would be better than a funeral—whereupon Opposition declared there must be both, and added the words to the motion. At this moment North arrived—in such haste that he was out of breath. He came to vote for the motion, and to express a hope that it would pass unanimously.

Five days later Lord John Cavendish moved an Address to the King for an annuity for Chatham's family—£4000 a year to go with the Earldom of Chatham for ever, and the late Earl's debts to be paid—£20,000. The Bill passed the Commons without a dissentient voice; but in the Lords eleven peers voted against it. The Duke of Chandos objected to the perpetuity—the people were so heavily taxed. (Richmond asked if he was serious? If so, why did he not propose an enquiry into sinecures?—he had heard Lord North was shortly to have the sinecure of the Cinque Ports—£5000 a year.) Lord Chancellor Bathurst thought Lord Chatham's services had been sufficiently rewarded. Ravensworth said Chatham's "daring spirit of enterprise" had been a very great misfortune to this country—his military successes were ruinous;[1] the enormous debt incurred in them was the cause of our present situation. He came into Parliament with him, upwards of forty years ago, and was acquainted with him when in the full possession of all his powers of oratory, and was ready to confess his great abilities as a public speaker. But though he could not deny that they convinced the majority, both within and without doors, they never convinced him that Chatham was properly qualified as a statesman to direct the affairs of this country. "In

[1] "I have been much abused, my lords, for supporting a war, which it has been the fashion to call *my* German war. But I can affirm, with a clear conscience, that that abuse has been thrown on me by men, who were either unacquainted with facts, or had an interest in misrepresenting them. That I did in parliament oppose to the utmost of my power, engaging in a German war, is most true. . . . But when I was called upon to take a share in the administration, that measure was already decided . . . the first treaty with the King of Prussia was signed, and not only ratified by the Crown, but approved of and confirmed by a resolution of both Houses of Parliament. It was a weight fastened upon my neck . . . the honour of the Crown and the honour of the nation were equally engaged. How could I recede from such an engagement? . . . What other foreign power would have sought our friendship? What other foreign power would have accepted of an alliance with us?"—*Speech of Lord Chatham*, Nov. 22, 1770. (On Richmond's motion on the Falkland Islands.)

fine, they came into Parliament together, and sat in the other House for 14 years, and he was persuaded it would have been happy for this country if he had never aspired to a public station—for though not the mediate, he was the immediate cause of all our subsequent misfortunes." So the ministerial cur barked at the dead lion.

Lyttleton, after reminding the House how often he had opposed Chatham in debate, reminded them also how Chatham "had gone through offices which generally served to enrich his predecessors," without making a shilling. There was "the usual perquisite" on the King of Sardinia's subsidy, amounting to more than £20,000. Mr. Pitt refused to touch it. The whole sum was found in the bank years afterwards, and again offered to Chatham as his right; and again he refused it, and the money was applied to the public service. Radnor brought up the Embargo—an infringement of the right of Parliament. Camden said a famine was threatened. Does not Locke say that there are times of emergency when Ministers must act at once, and trust that Parliament will absolve them? And if there was an error, the error was his—Camden's—he took the responsibility—he gave his legal opinion for it.

The Annuity Bill passed by 42 to 11. Chandos, Bathurst, Paget, and the Archbishop of York signed a Protest against "the unwarrantable lavishing away of the public money, at a time when the nation groans under a heavy load of debts, and is engaged in a dangerous and expensive war." People said that the Archbishop was taking his revenge for Chatham's having likened Dr. Markham to Dr. Sacheverell.

On the 9th of June Chatham's body was laid to rest in the Abbey. The City of London wished him buried in St. Paul's, and were so angry that they resolved not to go to the funeral. Gibbon says it was "meanly attended"—few but the Opposition went. Burke, Savile, Dunning, and Thomas Townshend were pall-bearers, and the chief mourner was young William Pitt.[1]

In the Debate "on the Sailing of the French fleet," the Duke of Richmond said that accounts of the armaments going on at Toulon reached Lord Weymouth early in January, and regularly afterwards. On April 17 it was public news in the streets of Paris that the Toulon fleet had sailed. But we did not know it

[1] The King expresses himself as "rather surprised" that the Commons voted a public funeral. He told North that he hoped the vote was worded as a testimony of gratitude for what Chatham did in the last war, as "this compliment, if paid to his general conduct, is rather offensive to me personally." This explains why the lords did not attend the funeral.

till the 29th—a space of ten days, during which "a man might have hopped from Paris to London"! The naval force of France and Spain was 64 or 65 ships of the line, with a proportionate number of frigates. What have we to oppose to this? The whole of our fleet may be 33 ships. And the excuse is that we have lost the supply of seamen we used to have from America!

Sandwich said he was no more answerable than any other member of Administration. He declared we had 49 ships fit for service. Bristol pursued Sandwich from ship to ship, comparing him with Hawke—who in 1771 had 81 ships fit for service, 14 building, 12 repairing, 7 foreign ships bought. All this, not counting 32 more "in a doubtful state." Sandwich had had three and a half millions sterling and more for building and repairing, and he confesses he has only got 49 fit for service. What is become of the ships, and what is become of the money?

The wretched Sandwich was left undefended, until at last Lord Dudley got up to tell how he had gone with the First Lord "in one of his marine excursions," and how "one Wells, a builder," refused to have anything to do with the noble earl, because he was so hard in the contracts he made with builders that they lost by him.

In the Commons James Luttrell asked what was Lord Howe's situation? Would he ever imagine that we had let a French fleet escape from Toulon to attack him? North said, as for the French making a descent on our coasts, a house or village might be burnt—that would be all—he "was sure conquest could never be the consequence of such a descent." As for our dependencies—they were so scattered it was impossible to defend them all, but he "trusted something might be done." He had reason to believe the French fleet was ill-manned and ill-found, and was gone back to Toulon. Then he talked about continental connections. "It was very difficult to understand whether he thought them useful or not. He said they cost Great Britain a vast deal, and the return they made was not adequate to the expense—Great Britain was strong enough without them."[1] With more foolish and contradictory talk about battles won by our allies being won to us. Then the "flock" voted as usual, and Ministers went home to consider whether perhaps they could defend some part of our scattered dependencies.

Before Chatham was laid in the grave, the unfortunate Burgoyne arrived in England on parole. He waited at once on Germaine, but the King refused to see him, and sent to tell him

[1] *Parliamentary History.*

his presence at Court would be dispensed with. Burgoyne demanded an enquiry, and a Board of General Officers was appointed, but they reported that they could not take cognisance of the conduct of a prisoner on parole. A court-martial was refused him on the same ground. It was even suggested that he was incapable of speaking or voting in the House. When he appeared there nobody spoke to him, nor did he venture to speak, till the 23rd of May, when Mr. Vyner moved for a Committee of the Whole House to Inquire into the Convention of Saratoga, and into the Conduct of General Burgoyne. On the 26th "a vast concourse of gentlemen assembled in the gallery—whereupon Mr. Gascoyne moved that the House be cleared."[1] Burgoyne made a very long speech. He referred to the Indians. He had ever considered "the Indian alliances" a necessary evil —their services were over-valued, "sometimes insignificant, often barbarous, always capricious." He had done his utmost to keep them under control. Except the case of Miss McCrea—which was an accident, not premeditated—the stories told of him were fabricated. The Proclamation, he owned, was penned by himself—it was meant "to speak daggers, but use none." The Americans had shown him respect for it. A gentleman had been in London great part of the winter "who I wish had been called to your bar"—but only for the sake of truth, "for he is not my friend." It is St. Luc le Corne, a distinguished partisan of the French in the last war, now a leader of Indians in the British service. He owes us something, for he formerly scalped many hundred British soldiers on the very ground where we employed him last year. "He is artful, ambitious, and a courtier." He owes me a grudge for controlling him in the use of the hatchet and scalping-knife. I was near putting that man to an ignominious death, especially on account of the murder of that unhappy lady Miss McCrea. He has often been closeted with a noble lord in my eye (Germaine), and I wish to tell the House what he has presumed to say about my conduct to the Indians. I know he has said they might have done great service, but they were discharged. "Sir, if to restrain them from murder was to discharge them, I take the blame with pride." Otherwise I should say that the Indians, with Mr. St. Luc at the head of them, deserted!

As to the burning of the country, I only recollect one accident by fire. There was no fire by my order except at Saratoga; and

[1] This was done so rigidly that the Speaker excluded his own son—"none but Mr. Garrick escaped, who was afterwards suffered to remain by consent of all parties."

General Schuyler, whose house I burned, said that the occasion justified it—it was the rules of war—or to that effect. He gave me hospitality, and presented me to his family at Albany.[1] (Burgoyne seemed to feel this as a tribute to himself, instead of an instance of Schuyler's magnanimity.)

As to the situation of the army at Cambridge, he had made a report "so voluminous" that it took three clerks constantly at work to copy it by last Saturday. The troops are detained by a resolve of Congress, "expressing that there are causes of suspicion that the Convention is designed to be broke on our part"; and that therefore they are justified in suspending the embarkation till the Convention is ratified by the Court of Great Britain.

It is asked, how it is I am here? I asked Congress to allow me to return on parole, to settle my accounts, and to tell the Government important truths, which I cannot communicate by other means. Here he read Washington's letter to himself, in reply to his request for leave to go to England. He next spoke on the delicate subject of desertions. Some have deserted, "in the worst sense of the word"—but they are few—the scum. And now he uttered the unfortunate sentence which probably had as much to do as anything in making Congress doubt our *bona fides*. "The greater part who have absconded, have had no intention to abandon the service, and if an epithet of honour could at any time be applied to a fault, *theirs might be called an honourable desertion.*" Some had left letters to say they would rejoin the army when the time of embarkation was settled; others tried to get through the woods, to join Sir William Howe or Sir Henry Clinton, and "it is believed some of them succeeded. The whole of the absentees is about five or six hundred."

He now came to his military conduct. All the papers had not been laid before the House—some were kept back, others were designed to cast suspicion on him, as though he had courted command to the prejudice of Sir Guy Carleton. And a very secret paper has been produced—my "Thoughts on Conducting the War from Canada." So the plan has been laid to me, though it was changed and garbled by the Minister. My plan had only one object—the forcing a passage to Albany. It is pretended that the words which are called "the saving clause"—"you are to act as exigencies may require"—were specially dictated by me. That clause has been understood by Sir William Howe and everybody else to refer to exigencies after the army should have reached

[1] This passage was "delivered separately upon a second call of Mr. Wilkes," but the *Parliamentary History* inserts it here.

Albany. Burgoyne continued to protest that his orders were "positive, peremptory, and indispensable"—he had no latitude allowed him. Passionately he insisted on this.

Germaine said the mixing up of the letters was an accident for which he was very sorry. Mr. St. Luc introduced himself as a man who had performed great services "at the head of the savages." He told Germaine that Burgoyne was "a fine officer for regulars," but he did not seem to like Indians—"he was a brave man, but as heavy as a German."[1]

After the motion for papers had been rejected, there was a scene. Temple Luttrell attacked North. Whenever his mismanagement is arraigned, the Minister says he is only the instrument of the Privy Council. He only prides himself on one thing—having recommended to his Sovereign, as war-minister, a man who was condemned by a court-martial, and disgraced by King George II. And now General Burgoyne is arraigned for obeying his orders!

Germaine rose "in heat," and appealed to the House. He would not endure this wanton abuse. Old as he was, and young as Luttrell was, he would meet him! The House "became tumultuous"; some cried, "Chair!" others, "Order!" Fifty members were on their legs at once. Fox vainly tried to speak to order. At last the Speaker rose and took off his hat, and the House sat down. But neither of the gentlemen would apologise. A motion was made to take Luttrell into custody—he seconded it himself, rather than give up his privilege of Parliament, "of delivering his sentiments on a public character in a public trust." At length each made some sort of apology. It was perhaps the publication of this debate which caused the complaints in the House next day. Luttrell said he now understood the reason for excluding strangers—he had suspected it before. The very existence of the Constitution depended on the people knowing the conduct of their representatives.

Burgoyne spoke again next day on Hartley's motion for stopping the war, and against prorogation. Hartley said the House ought to be sitting when the Commissioners (who had already sailed) sent in their report. He was persuaded the terms would be rejected. It must now be independence—"do not deceive

[1] The last speaker in this debate seems to have been Lord George Gordon. He attacked Ministers with his usual violence, and said that the murder of Miss McCrea would be an indelible stain on the religion and humanity of Great Britain, when Queen Mary's massacre of Protestants in England, and King Charles' persecutions of Presbyterians in Scotland were forgotten.

yourselves." Burgoyne gave as another reason for not proroguing that Howe and Carleton were expected every day. He urged Government to send Admiral Keppel against the French fleet. For himself, he defied Government to do its worst—he knew he was a marked man, a scapegoat—but he intended to do his duty in Parliament. Thus he announced his intention to go into Opposition.

This was on the 2nd of June. The same day Sir James Lowther moved for an Address to the King to defer prorogation. Sir J. Clerke, who seconded, said that since he came down to the House he had been informed the Brest fleet had been seen a few leagues off Plymouth. Nugent moved the Orders of the Day. But this did not save Ministers from another most important piece of intelligence being divulged. The Hon. Richard FitzPatrick said, as the Minister had declined information, he would tell the House that ten days before he sailed from Philadephia, copies of the Conciliatory Bills were brought there. The army received them with inexpressible indignation—some of the officers in his presence tore their cockades from their hats and flung them into the street—they had expected 20,000 men, and instead they had the Conciliatory Bills! These were not sent to Congress or to General Washington, but were distributed about the country by individuals, and so found their way into the American army. There they were received still worse than in the British army—they were kicked about, torn, even burnt by the hangman. They were looked on as intended to spread discord—it was even said that Parliament knew nothing of them; and when FitzPatrick assured them the Bills were genuine, the Americans said if Chatham had offered them they might have received them, but they would never listen to any proposals from the men who had brought on the war.

Germaine said he would not attempt to contradict what the honourable gentleman said he had seen. But there was no promise of 20,000 men, and if the Americans rejected these terms, it showed they would reject any terms.

FitzPatrick retorted that reinforcements were promised—and instead the army heard d'Estaing was coming, and General Howe's force was so weak it could only act on the defensive. It was scandalous how Sir William was abused here! Hereupon Burgoyne asked whether any steps had been taken to release *his* gallant army—which would be worth twice their number in the field, "having been accustomed to hardships, lying without tents, living on slender meals, and being well used to fire." Officers who

knew all about the expedition had never been examined, while St. Luc was caressed, and a menial discharged servant of his own was heard with attention. Fox ridiculed the notion that the Americans would treat with us, when the King on his birthday had bestowed "cinque ports and blue ribbons" on the men who had plunged the countries in war.

Lowther's motion was lost, and next day the King prorogued Parliament. So ended one of the most angry sessions of our history.

NOTE.—"By the beginning of May, a considerable force was assembled at Portsmouth. Admiral Keppel had every prospect of being shortly at sea, when he received an order to place nine of his ships of the line under the command of Vice-Admiral Byron, who was then at Plymouth, and about to proceed to Gibraltar, to prevent Monsieur d'Estaing's fleet sailing from Toulon. . . . Admiral Keppel's fleet, which had been so hastily gathered together to protect this kingdom from invasion, was stripped of men, stores, and provisions, to supply another expedition. Such was the scarcity of stores, that even the tacks and sheets of the *Valiant* and other cordage rove in that ship and in the *Ramillies*, then under Keppel's command, were unrove and given to Byron's ships."—*Life of Admiral Keppel.*

About six weeks before this borrowing of Peter to pay Paul, Lord North had declared that "the navy was never in greater strength"; and at the end of April General Conway, having applied to Lord Sandwich for a frigate to guard Jersey and Guernsey (he was Governor of Jersey), was told by the First Lord of the Admiralty that there were but three frigates at disposal, and that he had borrowed one of them to send against Paul Jones. A few days before, Lord Sandwich had assured the House of Lords that there were nineteen frigates at home.—*Correspondence of George III with Lord North*, vol. ii. 178, note.

CHAPTER LXXI

THE ARMY OF THE CONVENTION

"They are at present detained by a resolve of the Congress, expressing that there are causes of suspicion that the Convention was designed to be broke on our part, and therefore they are justifiable, without breach of public faith, to suspend the embarkation of the troops till the Convention is ratified by the Court of Great Britain."—*Speech of General Burgoyne on the Motion for an Enquiry into the Convention of Saratoga*, May 26, 1778.

"Instead of suspending the obnoxious Acts, let us be open, and repeal them. The noble lord avows an intention finally to repeal them, why not do it at first? America does and will suspect you of designs, if that is not your first measure. We are not in a condition to haggle: we have lost an empire."—*Mr. Joliffe on Lord North's Conciliatory Bills*, Feb. 23, 1778.

"They have no confidence, Sir, in any of our professions or promises."—*Mr. Wilkes on Lord North's Conciliatory Bills*, March 2, 1778.

ALL went wrong with the Convention. It was found that the number of bayonets did not correspond to that of the muskets, nor of the muskets to that of the men;—at least 1000 short, and *all the muskets were unfit for* service. There were only 638 cartouch boxes. The quantity of powder and cartridges was very small—"15 barrels grained, and 2 barrels mealed, and the quantity of fixed ammunition very inconsiderable." Congress asked for an explanation of all this, and what had become of the colours of the regiments, of the military chest and medicines, the scabbards and belts, of the bayonets and cutlasses? Did any destruction of arms take place between the 13th of October, when the first proposal for surrender was made, and the 17th? Gates was to make enquiries. But it was resolved that the embarkation was not to be delayed on account of these queries, if the transports arrived before the answers came. As, however, the important part of the Convention was that the troops should not serve against America during the war, General Heath, who commanded at Boston, was directed to take the names, places of abode, and full description of every private soldier and non-commissioned officer, and the name and rank of every officer. Burgoyne refused to allow this, on the score that Carleton had not taken the

descriptions of the prisoners in Canada, in 1776. (But Carleton did take their names and places of abode.) This refusal, however, was not all—although if the British meant to observe the Convention, there was no reason for refusing the identification of the troops. But nine days before his refusal Burgoyne had most imprudently written to Gates, "the public faith is broke"—because the officers had not been as well accommodated as was stipulated. This alarmed Congress. The whole world knew that the British Government—and most of the British people—did not regard this as an ordinary war. It was a rebellion, and the enemy was a belligerent only by courtesy. Tens of thousands of Englishmen, who would have been horrified at a breach of faith with Frenchmen or Spaniards, would have had very little to say about the evasion of a compact made with rebels. It was certain there had already been evasion—arms had been made away with, and it was more than suspected that colours had been withheld. And now Burgoyne's indiscreet expression seemed almost intended to pave the way for an evasion of the vital point.

The complaint about quarters in Boston was unreasonable—to accommodate an army at a few days' notice is no easy task, especially as it was stipulated that officers should not be parted from their men, and—as the Committee appointed by Congress observed—the British had destroyed so many houses during their occupation, that it was very difficult to find sufficient quarters. The exaggerated terms of the complaint sounded insincere, especially as the Article of the Convention ran, "Agreed to, as far as circumstances will admit."[1]

It is now beyond dispute that the colours were withheld. How the German colours were smuggled into her baggage, and finally sewn up in a mattress and carried to Halifax, is narrated by Baroness von Riedesel in her Memoirs—she herself superintended the whole business. When, on November 19, 1777, enquiry was made by Congress as to what had become of the standards belonging to the different regiments in General Burgoyne's army, Gates replied (letter of December 3), "Respecting the standards, General Burgoyne declared upon his honor, that the colours of the regiments were left in Canada." But on page xvi. of the Appendix to his "State of the Expedition," Burgoyne says, speaking of the retreat of the Americans from

[1] Lieutenant Anburey particularly laments the absence of taverns, "at present"—only two, and those the worst imaginable, except that they provide good dinners; "the rest of the accommodations would disgrace the meanest public house in London."

Ticonderoga, on the 5th of July, 1777: "This movement was very discernible, as were the British colours, which the Brigadier [Fraser] had fixed upon the fort of Ticonderoga." The colours, therefore, were not left behind.

But there is still more conclusive evidence that the colours were still with the army. *The Historical Record of the Ninth, or East-Norfolk Regiment of Foot*, compiled by "Richard Canon, Esq., Adjutant-General's Office, Horse-Guards, London, 1848," and published by "Orders from Head-quarters," and "by command of his late Majesty, William the IVth," has this reference to the affair: "Lieutenant-Colonel Hill of the Ninth, being anxious to preserve the colours of the regiment, took them off the staves, and concealed them in his baggage, which he was permitted to retain. The American Government violated the conditions of the convention, and detained the troops until 1781, when the Ninth proceeded to England, and Lieutenant-Colonel Hill producing the colours presented them to King George III, who rewarded his faithful services with the appointment of aide-de-camp to his Majesty, and the rank of colonel in the army."

The passionate desire to save the colours will be comprehensible to the least sentimental. It is also true that the terms of the Convention do not contain the word "colours." But the colours would not have been stripped from the poles (which were burned), and smuggled away in a mattress, if it had been supposed they were exempted from the Convention. Madame von Riedesel says that she "made the Americans at Saratoga believe the German colours were burnt," and that they at first took this ill. And Burgoyne's assurance, "upon his honour," that the colours had been left behind in Canada, is not the reply he would have made if he had considered that Congress had no right to enquire for them.

In these circumstances, it was the height of unwisdom to give the Americans the smallest excuse for detaining the army; but we seemed determined to go on behaving exactly as a people would behave when preparing to violate an engagement. An attempt was made to change the place of embarkation from Boston to Rhode Island, or the Sound—close to New York—and twenty-six transports were sent. This put the finishing touch to the suspicions of Congress. Twenty-six transports were inadequate to carry 5642 men and the necessary provisions on a winter voyage to Europe. It was suspected that the troops, once permitted to embark, would never get any nearer England than New York. And now came our greatest piece of folly—if indeed

it was nothing worse. Congress, alleging that there had been "so many instances of former fraud in the conduct of our enemies," resolved to suspend the embarkation till the Convention was ratified by the King. Now, too late, the British officers all signed their paroles. But, alas! several British officers, taken at New York in 1776, had broken their paroles; and although Howe had written to Washington that he disapproved of this, he did not imitate the old Roman honour, and send them back. Had they broken their paroles to a French General, there can be no doubt that he would have done so. But this was not a real war—only a rebellion.

On the same grounds the British Government refused to ratify the Convention, the reason given being that to do so would be to acknowledge the authority of "the illegal Congress."

It is strange to find English writers charging Congress and Washington with bad faith, and stranger still to find Mr. Moncure Conway agreeing with them. Mr. Conway seems to think the best that can be said for Washington is, that he stuck at nothing which could serve the interests of his country. In other cases Washington showed the most rigid sense of fairness—when, for instance, Congress ordered Lieutenant-Colonel Campbell to be thrown into Concord Gaol, because General Charles Lee was not being treated as a prisoner of war. Campbell appealed to Washington, and Washington wrote to the Council of Massachusetts Bay, that, as "*exactly the same treatment* that General Howe shows to General Lee" was ordered by Congress to be shown to Colonel Campbell and the Hessian officers; and as Lee "is only confined in a commodious house, with genteel accommodations, we have no right or reason to be more severe upon Colonel Campbell." He wrote in a still stronger strain to Congress, and got Campbell enlarged.

But the case now was entirely different. Several suspicious circumstances had occurred to throw doubt on British good faith, and when the British Government was asked to dispel them by ratifying the Convention, it refused, and the reason alleged for refusal inevitably suggested that the Americans would not be treated as were other Powers at war with Great Britain. The fact that the British Government did not take so simple a means of putting Congress in the wrong before the world, and chose rather to lose the services of its best army for years, is in itself suspicious. No ratification of any kind was ever offered, and this seems explicable only on the supposition that our Government hoped to be able to recapture the Convention

army by some *coup-de-main*, and preferred not to hamper themselves by an official acknowledgment that we were bound not to use it against America. They were, in fact, playing for what is called "the off-chance," and if our own intention had been single, we should have made a very great deal more of the affair. It was, indeed, difficult to do so, when there was the obvious retort, "Why do you refuse to ratify the Convention?" It was fully believed in America that Sir William Howe was preparing an attack on Boston to release the Army of the Convention. The precedent of Klosterseven was there to show that a convention might be set aside. In refusing to ratify, *because there was no legal authority to whom to pledge our faith*, we reduced the Convention to a private compact. What security had Congress that we might not one day decline to be bound by it? Congress had solid reasons for fearing this. With incredible indiscretion, Burgoyne had called the escapes of prisoners of war "honourable desertions," implying that the men were only trying to join Clinton or Howe. True, Burgoyne had explained that he did not mean Clinton or Howe would connive at this—he "believed" they would return such men, and "not be behind the old Roman examples of keeping faith with an enemy." But there is no instance of such return; and Howe had not returned even those officers who broke their paroles in 1776. Burgoyne talked of keeping faith "with an enemy"—but that was the very point. We did not acknowledge the right of rebels to be considered "enemies."

It was asserted by some that Lafayette was at the bottom of the detention—it was said that, foreseeing war with England, he wished to prevent the best regiments in the British Army being employed against France. There is not the smallest proof of this, nor is it necessary to suppose that Congress required any prompting. The question has always remained unanswered, Why did we not put Congress in the wrong by ratifying in some form or other? Why did we so carefully and consistently abstain from doing so? In the middle of 1778 we actually gave our Commissioners authority to treat with Congress on the question of submission, *as though it were a legal body*. Why did we not extend the temporary legal fiction to the question of the Convention? Why, but because we hoped that the chapter of accidents might give us back our captives under an unratified compact? The Army of the Convention did contain the flower of the British regiments. The obvious policy was to instruct the Commissioners to begin by ratifying the Convention, under

their power to treat with Congress "as if it were a legal body." We could then have got our troops back, for use anywhere but in America. The conclusion is irresistible that we preferred to keep them in America, and take our chance of the Fortune of War enabling us to recover them for further service there.

CHAPTER LXXII

THE CONWAY CABAL

"The intelligence from Mr. Thornton of the discontents among the leaders in America, if authentick, will not only greatly facilitate the bringing that deluded country to some reasonable ideas, but will make France reconsider whether she ought to enter into a war when America may leave her in the lurch."—*The King to Lord North*, St James', March 6, 1778, 53 min. pt. m.

AFTER Germantown, Washington encamped at first in the woods of Whitemarsh, fourteen miles from Philadelphia, hoping to be able to defend the forts on the Delaware. But Gates was so long in sending back the men lent him, that nothing could be done, and the British obtained command of the river. Washington bitterly contrasted the little support he received with the way in which the New England Militia had turned out against Burgoyne. He wrote to Patrick Henry, "I was left to fight two battles, to save Philadelphia, with less numbers than composed the army of my antagonist, whilst the world has given us at least double." And he was obliged to encourage this mortifying impression, "because, next to being strong, it is best to be thought so by the enemy." He added, "If the cause is advanced, indifferent is it to me where or in what quarter it happens."

When at last Gates sent 4000 men, they were in rags, and part of Morgan's company could not take the field for want of shoes. Among its other military exploits, Congress had upset the Commissariat, with the result that "hogsheads of shoes, stockings and clothing were lying at different places on the roads and in the woods, perishing for want of teams, or money to pay the teamsters." At the same time Congress and the Press were demanding a "stroke." Several opportunities for "strokes" had been lost by Gates detaining the troops, but in November Cornwallis was detached to Jersey, and Stirling thought an attack might now be made on Philadelphia. But by eleven to four the Council of War decided that it must involve

a fearful expenditure of life, and might fail.[1] Washington well knew how much he personally had to gain by rashness, but he would not sacrifice his men to his military reputation. But if Congress had done its duty by the army, Washington could have rendered Howe's position untenable—and perhaps have made his retreat impossible. As it was, he could do no more than send Greene to harass Cornwallis. There were skirmishes between the outposts. Lafayette, not yet quite recovered from his wound, distinguished himself in a little affair with pickets, and to Washington's great pleasure Congress gave him the command of Stephen's division.

The Old Congress accomplished a wonderful work in setting going the civil government of a continent, amidst the throes of revolution and war.[2] Even though it had in every province the traditions and forms of generations of self-government to help it, this was a mighty task. But there is another side to the picture—of the Old Congress allowing Washington's army to want the necessaries of life, and then reproaching him for not keeping the field in winter; neglecting his entreaties for regular levies, and then complaining that he did not fight battles; appointing Boards of War, ostensibly to supply the wants of the army,—which they scandalously neglected to do,—but in reality to watch and hamper its Generals—a business in which they were zealous. Worst of all, caballing against Washington, and waiting for the moment when it could supersede him by the impostor Lee (those less deep in the secret thought it was to be Gates). All this is a spectacle only to be paralleled for baseness and folly by the way in which the Carthaginian Senate abandoned Hannibal. But Hannibal was carrying on a war of aggression on foreign soil — Washington was defending his own country from an invader. The full tale of baseness will never be known—Governor Jay saved the Old Congress from the execration of posterity by putting into the fire the records of its treatment of Washington —he thought it the greatest kindness he could do it.

John Adams had been appointed Commissioner to Paris, in the room of Deane, and Gates was President of the Board of War. The cabal were overjoyed—they thought they would

[1] A letter from Reed of this time says, "There has been so great a majority of his officers opposed to every enterprising plan, as fully justifies his conduct." Reed himself was opposed to the attack on the city.

[2] Civil government was maintained during the Revolution with hardly an interruption anywhere.—SABINE.

soon get rid of Washington, and they sneered at "the American Fabius" more openly than ever.

Winter had now set in. Washington's men were worn with long and hard service, badly clothed, and without blankets. Winter quarters of some sort were absolutely necessary. Washington could have retired to the towns — Lancaster, York, and Carlisle; but if he did so, he would leave a large and fertile district to be foraged by the enemy, and its inhabitants without protection. He resolved to encamp as near Philadelphia as possible. He selected Valley Forge, in Chester County, on the west side of the Schuylkill, about twenty miles from Philadelphia. It was a desolate spot among the hills. As the half-barefoot army went, the footsteps of some were traced in blood. In despair of getting shoes for them, Washington offered 10 dollars for the best model of a substitute, to be made of raw hide. His troops had to cut down trees to build huts—the huts to be 14 feet by 16, with log walls filled in with clay—twelve non-commissioned officers and soldiers to each hut. A General officer was allowed a hut to himself. The soldiers' huts fronted a street—as in a Roman encampment; the officers' formed a line in the rear; the whole looked like a rude village. The sick found refuge with neighbouring farmers.

They had hardly been here two days, when before day-break of December 22 word was brought that Howe had made a sortie towards Chester — apparently on a foraging expedition. When Washington ordered two of his Generals to be ready, one replied, "Fighting will be far preferable to starving"; the other said his men would be very glad to march —they had been without bread for three days together, and without meat for two. In fact, the night before a dangerous mutiny had broken out. Washington wrote instantly to Congress, that unless the Commissariat was managed more vigorously and regularly "the army must dissolve." He had done all in his power by remonstrating, but without effect. The march of the army had been delayed in consequence, "on more than one interesting occasion," and if a body of the enemy had crossed the Schuylkill that morning, the divisions could not have moved. It was now that he heard the Legislature of Pennsylvania had complained to Congress of his not keeping the field. It was too much to receive such news, "shivering in the midst of December's snow." He wrote to the President of Congress (December 23) that, though he

had been tender of complaining about the change in the Commissariat, it was contrary to his judgment, and the consequences were predicted. But now that the inactivity of the army was charged to his account, "not only by the common vulgar, but by those in power, it is time to speak plain in exculpation of myself. With truth, then, I can declare, that no man, in my opinion, ever had his measures more impeded than I have in every department of the army." Since last July, he had had no assistance from the Quartermaster-General; and the Commissary-General charged his own deficiency greatly to this. By a field-return that day, he had 2898 men unfit for duty, "because they are barefoot and otherwise naked." His whole strength in camp was no more than 8200 fit for duty; and since the 4th instant these numbers have decreased near 2000 men, from the hardships and exposures they have undergone, particularly the want of blankets—numbers being obliged to sit up all night by fires, "instead of taking comfortable rest in a natural and common way." Gentlemen reprobate his going into winter-quarters, "as if they thought the soldiers made of stocks or stones, and equally insensible of frost and snow"; and as if they supposed an inferior army under our disadvantages could confine a superior one, "well appointed and provided," in Philadelphia. "Yet these very gentlemen, who saw the nakedness of the troops for themselves, and thought their own soldiers worse clad than others, and advised me near a month ago to postpone a plan I was about to adopt—under promise of an ample supply (not one article of which I have received)—think a winter campaign so easy. I can assure those gentlemen, that it is a much easier and less distressing thing, to draw remonstrances in a comfortable room by a good fireside, than to occupy a cold, bleak hill, and sleep under frost and snow, without clothes or blankets." And he is obliged to conceal the true state of the army, and expose himself to "detraction and calumny."[1]

Congress had long suggested that he should supply himself as the British did, by seizing supplies wherever he could find them, paying with certificates redeemable by Congress.

[1] "To keep the field entirely is impracticable, and so you would think if you saw the plight we were in. . . . If it is not doing what we would, it is doing what we can; and I must say the general has shown a truly feeling and patriotic respect for us on this occasion, in which you would agree with me, if you knew all the circumstances."—*Reed to the President of the Pennsylvania Legislature.*

But the man to whom they were so chary of entrusting power detested the exercise of military authority over civilians, and was, moreover, afraid of teaching his soldiers to plunder. Such methods, he wrote to Congress, "never fail, even in the most veteran troops, to raise a disposition to licentiousness, to plunder and robbery, difficult to suppress afterwards."

Only the history of the Conway Cabal can explain the treatment which Washington received at this time.

Among the officers who came out with Lafayette was the Baron de Kalb, a German by birth, but long in the French service. He was now a hale and hearty veteran of sixty, whose vigour was ascribed to the fact that he drank nothing but water. In September, 1777, Congress gave him the commission of a Major-General—to date with Lafayette's. This greatly incensed Brigadier-General Conway, who had had de Kalb under his command in France. He demanded the same rank, and was supported by many in and out of Congress—especially by Mifflin, the Quartermaster-General, once a great friend of Washington, but long engaged in intrigues against him. His scandalous neglect of Washington's army seems something worse than neglect when his part in the cabal is considered. The workings of the cabal were known to some extent in England, where they were represented as "dissentions among the American generals," and helped to encourage the refusal to acknowledge Independence. Ostensibly the cabal aimed at substituting Gates for Washington—Gates was represented as the sole author of Burgoyne's defeat. Washington, who had made it possible by crippling his own army, and Arnold, who had led the victorious charge, were entirely ignored.

It was Washington's nature to go on doing his utmost for his country, and leave his reputation to take care for itself. But there came a moment when he could no longer ignore what was going on; and one day early in November Conway had received this note from the Commander-in-Chief—

"SIR,—A letter which I received last night contained the following paragraph—'in a letter from General Conway to General Gates, he says "*Heaven has determined to save your country, or a weak general and bad counsellors would have ruined it.*"'—I am, Sir, your humble servant, GEORGE WASHINGTON."

This letter greatly alarmed Conway. He showed it to his friends of the cabal, who were equally alarmed. He wrote to Washington, trying to palliate the words—it was the careless

freedom of language allowed in familiar letter-writing. Apparently Washington received this explanation coldly, for Conway resigned, alleging as his reason that some members of Congress had spoken of him disparagingly. Washington kept his secret, and Congress persuaded Conway to retract his resignation. Meanwhile Mifflin had informed Gates that an extract from Conway's letter had been procured and sent to Headquarters—the extract was "a collection of just sentiments, but not such as you should have entrusted to any of your family. General Washington enclosed it to Conway without remarks." This threw Gates into consternation. What was the extract? How had it been obtained? He wrote piteously, "There is scarcely a man living who takes a greater care of his letters than I do. I never fail to lock them up, and keep the key in my pocket. . . . No punishment is too severe for the wretch who betrayed me." He questioned the gentlemen of his staff—no one knew anything. Next, it occurred to him that Alexander Hamilton had had free access to his quarters, during a late mission from the Commander-in Chief. He wrote an abject letter to Washington, beseeching him to help him find out who had "stealingly copied" his letters. It would do the United States a very important service if your Excellency would detect the wretch—as he has betrayed *me*, he might "capitally injure your operations." He added that he was sending a copy of his letter to Congress, that Congress might "concert" with Washington how to discover the traitor. Washington replied that he was much surprised to learn that Congress had had a copy of Gates' letter—this laid him under the disagreeable necessity of showing them his answer. He then informed Gates that Wilkinson had disclosed the secret. Last October, Wilkinson, then on his way to Congress, fell in with Lord Stirling at Reading, and, "not in confidence," told Major McWilliams, Stirling's aide-de-camp, that Conway had written the words in question, and Stirling had informed Washington, with this comment, "Such wicked duplicity of conduct I shall always think it my duty to detect." Washington had mentioned the incident to no one except Lafayette, to whom Conway had spoken on the subject—"so desirous was I of concealing every matter that could, in its consequences, give the smallest interruption to the tranquillity of this army, or afford a gleam of hope to the enemy by dissentions therein." Till Stirling's letter came Washington did not even know that Conway and Gates corresponded—he supposed them strangers to each other. Far from thinking the safety of the States affected by this discovery, he had supposed the information came from Gates himself,

and was intended "to forewarn, and consequently to forearm me, against a secret enemy."

Gates now wished he had not written as he did to Washington. If this was all Washington knew, the letter could be denied. Gates did deny it—he wrote that the paragraph his Excellency had condescended to transcribe was spurious—fabricated to answer the most selfish and wicked purposes. Conway's letter was perfectly harmless—it made no mention of weak generals or bad counsellors—"particular actions rather than persons were blamed." "I declare that the paragraph submitted to your Excellency was, in words as well as in substance, a wicked forgery." All he wanted was to know who had stolen a copy of a letter—and might therefore betray secrets to the enemy. Brigadier-General Wilkinson had endeavoured to fix his suspicions on Lieut.-Colonel Troup, who "might have incautiously conversed on the subject of General Conway's letter with Colonel Hamilton, whom you had sent not long before to Albany."

Conway wrote to Washington that Gates had returned his letter, and he found with great satisfaction that "the paragraph so much spoken of did not exist in the said letter, nor anything like it." He had meant to show the letter, but President Laurens had dissuaded him, lest it should inform the enemy of a misunderstanding among the American Generals, so he depended on the justice, candour, and generosity of General Washington to stop "the forgery."

On February 9 Washington wrote Gates a long letter, in reply to three of his, pointing out how they contradicted each other—and sometimes the same letter contradicted itself! The first letter by implication allowed the reality of the extract; in the second, it was "a wicked forgery." If there were nothing in Conway's letter "too nearly related" to the extract, why not have produced it? "Concealment in an affair which has made so much noise, though not by *my* means, will naturally lead men to conjecture the worst."

It was now Wilkinson's turn. He denied he ever uttered the words attributed to him. Stirling thereupon wrote, reminding him of the conversation, and asking whether Conway had questioned him. Wilkinson wrote back that he remembered perfectly spending "a social day" with his lordship at Reading, but really did not remember the conversation—with a hint at unguarded moments, and a plainer intimation that in asking him to divulge a private letter Stirling had proposed he should do something dishonourable. Wilkinson then learned that Gates

had denounced *him* as the betrayer, and had spoken of him in gross language.[1] "I was shocked," writes Wilkinson on this. "I had sacrificed my lineal rank at General Gates' request, I had served him with zeal and fidelity," and he condemned me for an act of which I was innocent, and against which "my soul revolted with horror." He demanded satisfaction, and a meeting with Gates was arranged. But a few minutes before the hour fixed, as Wilkinson was leaving the house with his second, Gates sent to speak with him. They met in a back street of Yorktown—Gates was unarmed and alone. According to Wilkinson's account, Gates burst into tears, and asked Wilkinson how he could think he meant to injure him? What is certain is that there was no duel; that Wilkinson was shortly made Secretary to the Board of War, and that he found Gates barely civil. He next thought of challenging Lord Stirling, but on reflection only asked for a written acknowledgment that the conversation published *passed in a private company during a convivial hour.* Stirling obliged him, but added that there was no injunction of secrecy.

These miserable intrigues had a purpose—they represent an organised plot to procure Washington's dismissal. The secret of them leaked out, and encouraged George the Third not a little. There can be no doubt that if the plot had succeeded military resistance in America would have collapsed in six months. The anarchy always predicted by ministerialists must have followed—or if not anarchy, such disunion, that the revolution itself must have collapsed for the time being. All that stood between America and such a catastrophe was the patriotism and the patience of Washington.

The value of his character to the cause was well understood. Some letters were published this winter—first in London, afterwards in New York—with the object of showing that he was secretly opposed to Independence. A loyalist of De Lancey's corps was the alleged source of these letters—he professed to have found them in the possession of Washington's mulatto servant Billy, left behind sick at Fort Washington. They purported to be from various members of Washington's family, and there were rough drafts of his answers. It was never known who forged these letters—it was someone who knew something of Washington's family and circumstances, but there were several entire mistakes. The letters cheered ministerialists, but they deceived no one in

[1] In the first rough draft of this letter, Gates had suggested that Wilkinson invented the whole story. By some means Wilkinson got hold of this draft, and published it in his Memoirs.

America. Billy was never taken by the British, nor did any of Washington's or of his attendants' baggage ever fall into their hands.

Meanwhile Washington's old friend, Dr. Craik of Maryland, was writing to warn him that a strong faction in Congress and on the Board of War was crying up Gates, and making people believe that Washington had three or four times as many troops as those of the enemy, yet had done nothing, and had given up Philadelphia, and lost many opportunities of defeating the enemy. They had their own scheme—a winter expedition to Canada—to go from Albany, cross Champlain on the ice, burn the British shipping at St. John's, and push on for Montreal. Washington was not consulted. With the hope of bringing Lafayette over to the cabal, the command was offered him, with Conway as his second. Lafayette would have declined, but was persuaded by Washington to accept, and went to Yorktown, where he found Gates "very convivial" after dinner. But when Lafayette gave "the Commander-in-Chief of the American armies," the toast was drunk without cheering.

The Canadian expedition never came off. When Lafayette arrived at Albany, Conway met him with the news that it was impossible — Generals Schuyler, Arnold, and Lincoln had all written to say so. Instead of the 2500 men promised Lafayette, there were not 1200 fit for duty, and they were "naked even for a summer's campaign," and it was already late in the season. Congress had the good sense to forbid the attempt.

Wilkinson was, however, so uncomfortable at the War Office, that he resigned and went to Washington at Valley Forge, where the whole correspondence was shown him. And now this unscrupulous and intriguing young man turned on the weak and unstable General in whose hands he would have placed the destinies of America. He wrote to Congress about "the acts of treachery and falsehood in which he had detected Major-General Gates," and declined to serve with him.

CHAPTER LXXIII

THE EVACUATION OF PHILADELPHIA

"July 2. Sir William Howe arrived. . . . He brought an account of the army under Clinton having abandoned Philadelphia for want of provisions, and being suffered to march to New York through the Jerseys without molestation, on a compromise of his not destroying Philadelphia."—H. Walpole, *Last Journals*, ii. 282.

"The many marks I have given you of my friendship must convince you that when I decline conferring the Cinque Ports on you but during pleasure that I will never give this office but in that mode."—*The King to Lord North*, May 19, 1778.

"Lord North,—You cannot be surprised that the degree to which you have pressed to resign during the space of the last three months has given me much uneasiness."—*The King to Lord North*, May 26, 1778.

"The King bribed him to stay for two reasons: the first, because he submitted to be only a cypher, and would carry through any measures the King or Junto required; the second, because the King had nobody to put in his place."—H. Walpole, *Last Journals*, ii. 305.

Washington was remodelling his army with the help of a Committee of Arrangement, which he had persuaded Congress to appoint. The army still often wanted for food—there was sometimes "little less than a famine"—he himself was astonished that his men did not desert him. But they knew that he was labouring for them night and day, and at last things grew better. The Commissariat was reformed, supplies intended for the British were intercepted; best of all, Greene was made Quartermaster-General.

By patient continuance in well-doing Washington not only overcame the malice of his enemies—there came a day when they vied with each other in eagerly denying they had ever thought him less than the greatest and best of men. Towards the end of January a Committee came to the camp from Congress, and John Harvey, one of them, said to Washington, "If you had but explained yourself, these reports would have ceased long ago." "How could I have thrown off the blame," he replied, "without doing injury to the common cause?"

At the end of February a great piece of good fortune befell the

American cause, by the arrival of Baron von Steuben, an old soldier of the Seven Years' War, aide-de-camp to Frederick, and covered with honours. The American army sorely needed someone to drill it, and Steuben was persuaded by the French Minister of War to undertake the task. No promises were made him, but Beaumarchais found him in funds, and he brought letters from Franklin and Deane. Washington was overjoyed. But the difficulties were great—the troops were very raw, the Baron knew no English, and it was of no use to swear at them in French or German. Captain Walker, of a New York regiment, came to his aid—he spoke French. The Baron said he could not have been more rejoiced "had he seen an angel from heaven." Like a patient, conscientious German, von Steuben toiled at the militia, cursing them freely in all the languages he knew, and, assisted by Walker's French, got them into such shape as they had never been in yet. He would be up at daybreak, and in the saddle by sunrise —off to the parade alone if his suite was not ready. And men and officers repaid him by their zeal and obedience. A little more of the Baron's instructions and they would not fear the British regulars.[1]

In the spring of 1778, West Point on the Hudson was chosen by the New York State Legislature for fortification. Kosciusko helped to plan the works. Washington now suggested a daring enterprise to the officers there—no less than the capture of Sir Henry Clinton, as Prescot had been captured. Clinton's quarters were near the Battery—near the Hudson. A retired way led from them through a backyard to the river-bank. Washington thought that a party might embark in eight or ten whale-boats at King's Ferry, just below the Highlands, on the first of the ebb, early in the morning. The boats could row with muffled oars, under the shadow of the western shore, and in six or eight hours could be close to New York. The men were to be dressed in red, much in the style of British soldiers. There were no ships of war on that side. It is said that Alexander Hamilton persuaded Washington to give up this idea, on the singular ground that it was a pity to remove Sir Henry Clinton from the command—they now perfectly understood his character, and knew what he would do; by captur-

[1] In the spring of 1778 the American army was still very ill clad. Captain Graydon, who had been taken at Long Island, but was liberated on parole, paid a visit to the camp at Morristown. Accustomed to see the trim British soldiers, he was scandalised at the rags which did duty for uniforms. Even General Wayne had fallen off, and now "looked dressed in character for Macheath, in a dingey red coat, with a black rusty cravat and tarnished hat."

ing him they would make way for another, whose character they would have to learn, and who might be abler.

On March 20 Washington consulted all his General officers in camp as to whether to attempt the recovery of Philadelphia or New York? or to wait for the British to move first? Just as he did this, he learned that the cabal was at an end. Conway had shown great insubordination after the Canadian expedition was given up, and had again resigned. This time Congress at once accepted. Conway tried to retract—he had been misunderstood, through some "orthographical or grammatical" mistake—he was an Irishman and had learned his English in France. But Congress would not keep him now on any terms. By this time it was ashamed of the way it had treated Washington. Conway went about abusing the Commander-in-Chief, till he was called to account by General Cadwallader, and was severely wounded in the duel which followed. Believing that his end was near, he wrote to Washington to express his "sincere grief for having done, written, or said anything disagreeable to your Excellency. . . . You are in my eyes the great and good man." He did not die, but his position had become very disagreeable, as everybody had turned against him, and he soon went back to France.

One dangerous man was thus removed from American counsels, but another far more dangerous was about to return. General Lee had been liberated last Christmas Day (by the King's express order), on parole not to leave New York. Clinton and Robertson had been lending him horses, and had been extremely friendly. Late in March he was taken to Philadelphia, with an understanding that he would soon be exchanged. On the 5th of April he was allowed to visit the camp at Valley Forge, and on the 9th he went to Congress at Yorktown. He was here when his exchange for General Prescot was finally arranged, and he rejoined the army at Valley Forge on the 20th of May.[1] It was afterwards said that he owed his release to a letter which Sir Joseph Yorke—our Ambassador at the Hague—wrote to Eden—that from what he had seen and known of Lee, he was convinced he was the worst present that could be made to any army. "It is impossible but Lee must puzzle everything he meddles in."

Gates was to be sent north, but to do nothing against New York without consulting the Commander-in-Chief!

The rough drafts of the Conciliatory Bills reached Tryon in New York about the middle of April. FitzPatrick did not

[1] Ethan Allen was exchanged at the same time. He shortly after went home to Vermont, and took no further part in the war.

exaggerate the indignation of the army. It had been led to expect 20,000 men at least. Instead of this there was to be a general pardon, and everything conceded! And a French fleet setting out from Toulon!

The army in Philadelphia was not less angry, especially when it was known that Sir William Howe was going home. Howe had long wished to resign. He had been deeply offended by the cold, dry tone of Germaine's letters after his successes in the autumn, and after Donop's disaster he had asked leave to resign. He now found that he was to be made a scapegoat for Burgoyne's misfortunes, and he insisted on being allowed to come home and defend himself.

The winter in Philadelphia had been gay. The officers subscribed for a house where they could play faro and give weekly balls. There were private theatricals, and Captain André, an accomplished young gentleman, Swiss by birth, painted a curtain for the stage. Sometimes the limit of decorum was overpassed—as when an English girl, a colonel's mistress, drove down the line at a review dressed in the colours of her protector's regiment. Howe had regained all his old popularity—his kindness of heart and personal bravery more than atoned for his self-indulgence and want of dignity. When the army learned that he had solicited and obtained his recall, they resolved to give him a magnificent farewell. The Tories of Philadelphia vied with the British officers in making it the most splendid entertainment ever given by an army to its General. It was called the *Meschianza*, because it was a little of everything—a regatta on the Delaware, a procession beneath triumphal arches, a tournament, a display of fireworks, and a ball. The tournament was, as far as Captain André could make it, a faithful copy of a mediæval joust—except that the selection of a Queen of Beauty was prudently omitted. But the rest was in order—the White Knights of the Blended Rose challenged all and sundry to show that their ladies were not the fairest and wittiest in the whole world, and the Black Knights of the Burning Mountain took up the challenge on behalf of their own ladies—Captain André appearing in honour of Miss Peggy Chew. They tilted, then fought with swords; but before any harm was done, the Marshal of the Field stopped them in the Ladies' name, and told them they had done enough for glory. Then all the knights rode under the triumphal arches—one erected to the General, one to the Admiral. The ball followed, and in the middle of the ball the fireworks, with twenty "great set-pieces," the last of which represented military trophies,

Chinese fountains, and on the top the figure of Fame blowing Sir William Howe's great deeds about the world. After this they all went to supper in a magnificent saloon hung with "56 large pier-glasses, ornamented with green silk artificial flowers and ribands," with innumerable lights, and twenty-four black slaves bending to the ground as the General and Admiral approached. The supper consisted of 1200 dishes, the King's health was drunk to a flourish of trumpets, and the ball was kept up till four next morning. It was the grandest spectacle ever seen in Philadelphia, and was given in honour of a General who was, for the second time, about to evacuate a chief town of the enemy.[1]

A fortnight before there had been a "military *fête*" at Valley Forge, to celebrate the ratification of the French Treaty. There was a solemn Thanksgiving by the chaplains at the head of each brigade; a parade and a *feu de joie*, with shouts for the King of France. Washington dined in public with all his officers. When he retired at five in the afternoon, he received an ovation which lasted while he rode a quarter of a mile.

The Meschianza was on May 18; on the 24th Howe bade his army a sorrowful farewell — Knyphausen was so affected that he could not finish his speech. Howe went down the Delaware in the Admiral's barge, and left Sir Henry Clinton to carry out the evacuation which had been finally arranged that very day by a Council of War.

The Commissioners were drawing near to the shores of America, after a somewhat anxious voyage.[2] They compared

[1] "I fear it was a very foolish business, though I believe it owed its birth to our relation Sir John Wrotsley. . . . I only know there were triumphal arches, and that General Washinton was within twenty-four miles of them, and that Lord Howe saluted Sir W. Howe, and Sir W. Howe saluted Lord Howe, and that it cost above four thousands, and everybody paid, whether they could afford it or not."—*Carlisle to Lady Carlisle*, Philadelphia, June 27, 1778. (*Historical MSS. Comm. Report XV*, Appendix, Pt. vi. p. 341. MSS. of the Earl of Carlisle.)

Judge Jones says of the Meschianza: "A triumphal raree show laughed at by one-half of the army, ridiculed by the inhabitants, damned by the loyalists, and made a mockery of by the rebels."

[2] On the voyage it was discovered one morning that an attempt had been made to cut "two of the most material ropes in the ship. If it had not been found out till the wind began to blow, the consequences would have been that the mainmast would have come down, and when covered with men." £100 was offered in vain for discovery of the offender; "only the villain must have been an experienced sailor. . . . So we had the comfort of sailing with perhaps another John the Painter on board." Carlisle thought, however, that the object was probably merely to delay their arrival. "He could not endanger us without sharing the danger, which always inclined me to think that he did

very unfavourably with Lord Howe. The Earl of Carlisle was an unthrifty[1] young man of fashion, who had written a book of polite verses, and moved the Address to the King denouncing the Americans as rebels and traitors. Eden, Under Secretary of State to Suffolk, had said a few weeks before in the House of Commons that he would not deign to enquire where a vagrant Congress was to be found. Johnstone, ex-Governor of Florida, was a Captain in the Navy, once a violent opponent of North's India Bills, but lately a strong opponent of independence, and accused of playing for the £100 per diem which the Commissioners were to receive.

The *Trident*, with the Commissioners on board, arrived in the Delaware on the 4th of June, and found the army already packing up to be gone.[2] Three thousand Tories were embarked on the ships—fleeing from the vengeance of their countrymen; everything was in confusion, and the city in consternation. The Tories were urging Clinton to go out and fight Washington—10,000 would arm in this province, and 10,000 in the lower counties, the moment the British took the field. Johnstone's anger became furious when he found that Eden had brought out peremptory orders for Philadelphia to be evacuated five days after the *Trident* should arrive, and his anger rose higher still when he discovered that this order had been signed three weeks before the *Trident* sailed! He accused Eden of duplicity. Eden protested he did not know the contents of the packet he carried. Johnstone all but refused to believe that an Under

not mean so ill as some were of opinion he did."—*Lord Carlisle to Lady Carlisle.* On board the *Trident*, June 4, 1778. (*Hist. MSS. Comm.* MSS. of the Earl of Carlisle, p. 336.)

[1] Carlisle's embarrassments, however, were not all his own fault. He was a collateral security for Charles Fox when his father paid his debts, and had signed "joint-bonds," to his own great inconvenience. His private letters give a far more favourable view of him than his public utterances. He was an intimate friend of George Selwyn, who tried in vain to make Fox pay.

[2] They seem to have packed up a good deal more than they brought with them. Dr. Franklin's library had been left in the city. Du Simitière, who was intimate with André, hoped to get him to protect the library and other public institutions. He found André in the doctor's library packing up books—in particular a splendid work which had been left in the Doctor's keeping—*The Notitia of the Chinese*, in 24 vols., edited by the Jesuits in China, and superbly bound. It was a present from Louis XVI to the Philosophical Society of Philadelphia. Du Simitière said he was confounded at seeing this, and tried to rouse André to a sense of the turpitude of his action, by telling him of the honourable conduct of Gen. Knyphausen, who had occupied Gen. Cadwallader's house, and had caused an inventory to be taken, and was now examining it. But he spoke in vain—the books were removed.—*Recollections of Deborah Logan.*

Secretary of State, "a confidential man, too," had received no inkling of such an intention during three whole weeks.[1] He insisted on Eden's signing a declaration of his ignorance. It was no wonder Johnstone was angry—19,000 men were reduced to such inactivity by less than 9000 Americans at Valley Forge, that the British Government thought the best thing they could do was to return to New York!

Carlisle was no less astounded. He wrote to his wife: "We begin to look upon our business as desperate." Even when he learned that the evacuation was part of a new plan—for a Southern Expedition—he was but little reassured. "We all look very grave," he wrote, "and perhaps we think we look very wise. I fear nobody will think so when we return."[2] He must have been somewhat conciliatory in his manners, for he expresses his "distress" at coming into the house where he had his quarters without asking the owner's leave. But it was an ill-starred Commission, and any chance it ever had was presently to be destroyed by Johnstone. Meanwhile the preparations for departure were being pushed on—the first thing the Commission had to do was to run away.

It was not till three in the morning of the 18th that the army marched over the Commons, and crossed the Delaware at Gloucester Point, Admiral Howe protecting their passage. Clinton had not many more than 10,000 men with him—5000 had been sent to the West Indies to take part in a sudden descent on the French islands; 3000 had gone to Florida, and the cavalry and heavy baggage had been shipped with the provision train to New York. But he was still encumbered by an enormous quantity of officers' baggage, and, warned by Burgoyne's fate, he took with him an immense supply of provisions, and as there was only one road for wheels, the line of his waggons extended nearly twelve miles. He found all the bridges broken down, "in a country much intersected with marshy rivulets"; and the excessive heat made repairing them very laborious.

[1] See Lord Carlisle's letter, and Johnstone's speeches in Parliament on his return.

[2] Letter to Lady Carlisle, of June 14. He also wrote to Gower: "When we found that the abandoning this part of the country, and leaving Gen. Washinton (*sic*) without endeavouring to bring him to action, and the retiring before him through the Jerseys to N[ew] Y[ork], was only to expedite a plan I dare not hint at from motives of prudence, we were not only astounded but extremely alarmed for the fate of our Commission."—*Carlisle to Lord Gower*, Philadelphia, June 1778. (*Hist. MSS. Comm.* MSS. of the Earl of Carlisle.)

Washington was perfectly aware that the British were preparing to evacuate. He believed that Clinton would take the route through Jersey. Lee tried to persuade him the enemy had quite another plan—perhaps to go into the interior of Pennsylvania, or the lower Susquehanna, so as to be able "to feed the Indian war" now broken out on the western frontier. He did not believe they would shut themselves up in towns any more—he had *particular reasons* for thinking they might cast their eyes on the lower counties of Delaware and Maryland. This time, however, Washington did not encourage him to air his opinions—mischievous consequences might result from officers reprobating measures which might be found unavoidable. He called a Council of War. Lee was very strong against any attack—"He would make a bridge of gold for the enemy." They were nearly equal in numbers, and far better disciplined—an attack would endanger the cause; we must not run the risk of a defeat at the moment of making a foreign alliance. He was for following and watching the enemy, to prevent their committing any excesses. In fact, he talked precisely as Washington had talked when his force did not warrant his fighting. But in those days Lee had strongly reprobated such prudence as the mark of a vacillating mind—almost more dangerous than cowardice itself. Now the *rôles* were changed—Washington was for fighting, Lee for playing Fabius. It is, however, fair to say that most of the American and foreign officers agreed with Lee. Washington asked for their opinions in writing. Before he could receive them he heard that Philadelphia was evacuated, and instantly sent Arnold—who was still unfit for more active service—to take command of the city. Maxwell's brigade was ordered to harass Clinton's march. And on the 24th Washington crossed the Delaware with his main army.

Clinton was advancing very slowly. His object was to keep Washington as long as possible in doubt as to his route—whether he was going to the left, through Brunswick, to Staten Island, or to the right, by Freehold and Monmouth, to Sandy Hook. Washington followed him up, and sent Morgan with 600 men to reinforce Maxwell. The weather was intensely hot, with heavy rains.

About five miles from Princeton, while the troops rested, Washington called another Council. Lee was still against a general action—he was not even for sending forward so large a force to harass the enemy. Greene, Lafayette, and Wayne now

gave their opinion in writing for a strong attack on Clinton's rear, while the main army held itself in readiness for a general engagement if that should seem advisable. As this was Washington's own wish, he acted upon it, and sent 1500 chosen troops, under Scott, to reinforce the others.

Clinton reached Allen's Town on the 25th. He knew that Washington had crossed the Delaware, and had heard that Gates was advancing to join him at the Raritan. He thought it likely that Washington would attack his vulnerable part—his baggage, if he attempted to pass the Raritan. He therefore turned suddenly to the right, into the Freehold road.

As soon as Washington knew this, he sent another thousand men under Wayne towards Monmouth Court House. Lee was to have led the advance, but he was so strongly opposed to an attack that Lafayette entreated to have the command. Washington consented—provided Lee was satisfied. Lee professed to be glad to be freed from all responsibility for a movement which he was sure would fail, and Lafayette set out the same day to join the force already sent forward under Scott. That evening Washington marched from Kingston (where he left his baggage), and reached Cranberry early next morning. The intense heat and a great storm prevented their going farther that day, but the advanced corps took post that evening on the Monmouth road, about five miles from the British rear.

Lafayette was hardly gone when Lee wrote to Washington, asking for the command back again—he had agreed to the change because he did not know the detachment was to be so strong—he thought it was fitter for "a young volunteering general" than for a veteran. But he now found it would be 6000 men at least—a command next to that of the Commander-in-Chief himself. So, if the detachment marched, he begged to command it—adding that he did not think it ought to march; with much more unasked advice to his superior officer. Washington was in a dilemma—the command was Lee's by right, but he did not wish to wound Lafayette. Clinton, however, now changed the order of his march, and sent on his waggons under Knyphausen, putting his best troops in the rear with Cornwallis.[1] Clinton had sat that day on a stone for an hour, watching his baggage as it passed, and debating with himself whether he had not better destroy it, so likely did he think it that the Americans would capture it.[2] This change in Clinton's

[1] Cornwallis had now returned.

[2] Anburey says that Clinton told Commissary Clark of Boston this—and desired him to tell Phillips that he fought at Monmouth "*upon velvet*—he will

dispositions obliged Washington to strengthen his own advance, by despatching Lee with two brigades to support Lafayette. This gave the command of the whole advance (about 5000 men) to Lee, as senior Major-General. Washington wrote to Lafayette to explain the matter, and Lee took over the command on the 27th. That evening Clinton encamped on high ground near Monmouth Court House, with Lee about five miles off.

Towards sunset Washington reconnoitred his position.[1] It was strong—protected by woods and morasses; but Washington suspected Clinton's design was to decoy him into the lower country, and then by a rapid movement gain the American right, and take the strong ground above. It was better to attack him here—if he once reached Middletown, ten or twelve miles farther on, there would be no hope of success. He resolved to attack the rear early in the morning—the moment the British front should begin to move. He ordered Lee, in the presence of his officers, to make the proper dispositions, and keep his men lying on their arms all night. Before midnight, fearing Clinton might move away before morning, he sent orders to Lee to detach six or seven hundred men to watch the British rear, and hold them in check if they moved.

About five on the morning of the 28th Washington learned that the British had begun to march. He instantly put his army in motion, and sent orders to Lee to attack—"unless there should be very powerful reasons to the contrary." He let Lee know that the whole army was coming to support him—marching without "packs and blankets," for greater speed.

After marching about five miles, and hearing a little firing, Washington reached Freehold Meeting House,—here the road forked, and Washington ordered Greene to the right, to flank the British behind Monmouth Court House. He himself advanced by the left. The sound of cannon could now be heard. While he was giving Greene his orders, a countryman rode up and said the Continental troops were retreating. Washington was provoked, but did not believe it. Then a fifer came up breathless with the same tale. Washington had him put under arrest, to prevent his spreading an alarm, and pushed on. Presently he met other fugitives, and a message from Lafayette made him understand something was wrong with Lee. And now he met regiment after

fully understand me." See also a curious story of an American officer, who, as Sir Henry erroneously believed, attempted to speak with him on the field. The story shows that Clinton was in imminent danger of capture.—ANBUREY, ii. 341.

[1] "In the parting of the roads leading to Shrewsbury and Middletown."—*Washington's Despatch.*

regiment of Lee's division, some in disorder, most of the officers bewildered and angry—they had been ordered to retreat, they did not know why—there had been no fighting, only a slight skirmish with the enemy's cavalry, which had been repulsed. A Colonel came up at the head of his regiment. Washington asked him what it meant. The Colonel smiled significantly, and said he retreated by order. It flashed across Washington's mind that Lee meant the battle to be lost. He galloped forward to stop the retreat, meeting more regiments and more angry officers. One said with an oath that they were fleeing from a shadow. Washington galloped on to stop the retreat. At a rising ground, he met Lee himself, with the rest of his force, in full retreat. "What is the meaning of this, sir?" he said so sternly that Lee quailed and did not answer. Lafayette said that Washington's aspect was terrible. Washington repeated his question. Then Lee said angrily that he was not disposed to beard the whole British army. There was a short, sharp altercation, and then Washington ordered Lee—if he meant to retain the command—to take proper measures to check the enemy, while he himself re-formed the main body on the next height. Lee obeyed, and now held the position with spirit. Washington formed with the British within a quarter of a mile of him; Stirling brought up cannon, a stand was made, and gave time for the left wing to form a second line. Greene had now taken a very advantageous position on the right. The British now tried to turn the American left, but were repulsed by detached parties of infantry. They then tried to turn the left, without success, as Greene had advanced a body of troops "to a commanding piece of ground." Then Wayne advanced, and kept up so well-directed a fire that the British retired behind the defile where the first stand had been made. The British now had both flanks secured by "thick woods and morasses," and their front could only be approached through a narrow defile. But Washington resolved to attack, and sent Poore to move round the British right, and Woodford round their left; but it was dark before they could get round.

This is Washington's account, given in his letter to Congress. Sir Henry Clinton's may be compared with it. He says that as his rear-guard descended from the heights above Freehold to the long narrow plain,[1] several columns of the enemy descended also, and began to cannonade his rear. At the same moment he learned the enemy had been discovered marching in force on both his flanks—

[1] "Near three miles in length, and about one mile in breadth." Clinton says Washington's army was "estimated" at about 20,000.

there were two defiles between. Lafayette's cavalry "fell back in confusion on their own infantry, when the Queen's Light Dragoons charged." Thinking a general action might ensue, Clinton sent to Knyphausen for a brigade of British and the 17th Light Dragoons, and posted them to cover his right flank, but "before I could advance, the enemy fell back, and took a strong position on the heights above Freehold Court House." The heat was intense, and his men were already fatigued, "but our circumstances obliged us to make a vigorous exertion." The enemy gave way immediately, the second line stood the attack "with more obstinacy, but were likewise completely routed. They then took a third position, with a marshy hollow in front, over which it would have been scarcely possible to have attacked them. By this time our men were so overpowered with fatigue, that I could press the affair no farther."

Both armies lay on the field that night—both equally exhausted by the extreme heat, and the marches through "a deep sandy country," almost destitute of water. Washington intended to renew the action in the morning, but about midnight Clinton "took advantage of the moonlight" to rejoin Knyphausen, who had gone on. He withdrew so quietly that Poore, lying extremely near, did not perceive it. In his despatch Clinton says much of the fatigue of his troops, and claims as "sufficient honour" for them that they "forced a corps of near 12,000 men from two strong positions, under such disadvantages of heat and fatigue, that a great part of those we lost fell dead as they advanced, without a wound."[1]

Before he reached New York, on July 3, he had lost 2000 men in all—killed, wounded, and prisoners, but most of all desertions of the Hessians.

Lafayette says of this affair, "Washington seemed in a moment to stay the fortune of the day—he was never greater than in this action."

[1] Clinton puts his loss in action at 4 officers, 4 sergeants, 60 rank and file killed; 3 sergeants, 40 rank and file died of fatigue; 15 officers, 7 sergeants, 137 rank and file wounded; 3 sergeants, 61 rank and file missing. One German was killed, and 11 rank and file died of fatigue; 11 were wounded. Lieutenant-Colonel Monckton fell as he led the Grenadiers against Wayne. Washington says his men found 4 officers and about 40 privates too badly wounded to be carried off the field; and buried 4 officers—of whom Colonel Monckton was one—and 245 privates. Washington had 7 officers, 1 sergeant, 52 rank and file killed; and 23 officers, 2 sergeants, 1 drummer, and 126 rank and file wounded; with more than 126 missing—many of the missing had "dropped through fatigue, and have since come in." Besides this, the artillery lost 2 officers killed, and several men killed or wounded.

Lee tried to take a high tone. In a letter written on June 29, but misdated July 1, he said he had been cruelly wronged—the expressions Washington had used to him implied he had been guilty of disobedience to orders, want of conduct, or want of courage. Which was it? Unless he could obtain some reparation he must retire from the service at the head of which was a man capable of offering such injuries. But he did not think Washington would have acted thus, if he were not instigated by "dirty earwigs." Washington sternly replied that Lee should have an opportunity of justifying himself to Congress, to America, and the world in general —or of convincing them that he had disobeyed orders, and made an unnecessary, disorderly, and shameful retreat, on the 28th. Lee wrote a second and insolent rejoinder, intimating he would retire. A day or two after he demanded a court-martial. The court-martial sat many times, and examined many witnesses, and the case appeared a little less black, inasmuch as the British rear had been largely reinforced by troops from Knyphausen. But the Court found that he had "disobeyed orders, and made an unnecessary and in some instances a disorderly retreat"—the word "shameful" was omitted. Also that he had been guilty of disrespect to the Commander-in-Chief in two letters.[1] He was sentenced to be suspended from all command for two years.

Thus ended the enigmatical career of an enigmatical character. Apart from the document found among the *Howe Papers*, there is no absolute proof that he was a traitor; but what honest man ever had the misfortune to seem one so often as Lee? It is certain that his neglect to obey Washington's orders in November, 1776, was wilful; but it probably proceeded from no deeper treachery than the hope of supplanting Washington in the supreme command—his letters leave no doubt of that intention, and very little of the lengths to which he was prepared to go to compass his end. At first sight his capture looks like a planned thing. It is, however, certain that he was in a state of abject terror at the moment of capture—had he retained his presence of mind he might possibly have escaped. It is also certain that he was for some time in imminent danger of being hanged as a deserter from the British Army. George III was vindictive where the royal prerogative was concerned, and until the surprise of Trenton placed so many German officers in Washington's power Lee cannot have felt safe. But Washington's stern threat of reprisals made even the King

[1] Lee misdated both these letters—the first, written on June 29, was dated July 1; the second, written in answer to Washington's reply, was dated June 28!

pause.[1] And when German officers were endangered, the case was worse. If a Hessian Colonel had been hanged because King George would not forego vengeance on Lee, not only would there have been an instant end to German levies, but the King would have had to reckon with Frederick.

It is difficult to measure the loss to America caused by Lee's disobedience in 1776. If, under such enormous disadvantages, Washington was able to accomplish the Surprise of Trenton, what might he not have done if he could have made the stand he intended at Brunswick? And if the Battle of Freehold was drawn in spite of Lee's failure to carry out Washington's orders, it would almost certainly have been a victory if Lee had done his part. His sudden caution is in itself suspicious—he was always merciless to Washington's enforced caution, and if he had intended to lose the battle he could have done no other than he did—sending Lafayette to cross the plain under fire—then ordering him to retire, then retiring himself and letting Cornwallis attack him. The most curious thing about Lee is the contrast between his words and his deeds. He talked like a fire-eater, but as often as it came to action his nerve invariably failed him. It was fortunate for America that it was so, whether we regard him as a deliberate traitor, or only as a man reckless in planning what he wanted resolution to carry out.

His temper was so bad that it was described by those who knew him as "insane"; and we might have concluded—as most Americans did conclude at the time—that he was an eccentric, disappointed man, so impatient and quarrelsome as to be impossible as a leader. But the discovery among the *Howe Papers* sheds another light on him—although here, too, we find the same curious failure when it comes to action. He never carried out any of his schemes.

We can better judge of the extreme suspiciousness of Lee's whole conduct if we compare it with that of Gates. Gates' career is far from satisfactory—his intrigues against Washington were to the last degree discreditable. He so entirely forgot self-respect in addressing Congress, that Congress voted he should not be permitted to address it in person a second time. On the 19th of September, by refusing to order an attack earlier in the day, he prevented that action from being even more decisive than that of the 7th of October. It was Arnold, not Gates, who won the battle of the 7th. Unlike Washington, who was always himself on the

[1] North frankly admitted in the House that nothing but this consideration saved the life of Ethan Allen.

field, Gates was the whole day at his headquarters. But who ever suspected Gates of not wishing to defeat Burgoyne? Who ever dreamed that his underhand intrigues to supplant Washington covered any deeper design? What parallel is there in Gates' many indiscretions to Lee's constant correspondences with British Generals? Gates was a vain and ambitious man; Lee was a double-dealer, wavering and unstable even in his double-dealing; and if the incriminating document is genuine, a traitor who, if his nerve had not always failed him at the critical moment, would have come down to posterity as another and more successful Arnold.

CHAPTER LXXIV

THE COMMISSIONERS: THE FRENCH FLEET

"I have lately been told, that one of the governors in America made objection to the Congress because some of them sat in council with woollen caps on. How inadequate, then, must this embassy be, where a noble Lord, bred up in all the softness that European manners make fashionable to rank—I say, how inadequate must such an embassy be to men in woollen nightcaps!"—*The Duke of Richmond on Lord Carlisle*, March 9, 1778.

On the 9th of June Clinton had written to General Washington, informing him of the arrival of the Commissioners, and requesting a passport for Dr. Ferguson, their Secretary, who had a letter for Congress. Washington replied that he could not grant a passport until the pleasure of Congress was known. Congress was debating on this when, on the 18th, an express from Washington brought the Letter of the Commissioners.

The letter was read. It was accompanied by the late Acts—"which, as they passed with singular unanimity, will sufficiently evince the disposition of Great Britain." It was addressed to "His Excellency Henry Laurens, the President, and other the Members of Congress"—in itself a mighty concession. The terms offered were—

A cessation of hostilities by land and sea.

The restoration of free intercourse and mutual affection, and the renewal of the common benefits of naturalisation throughout the empire.

The extension of every freedom to trade that our respective interests can require.

No military force to be kept up in America without the consent of the general Congress, or of particular Assemblies.

Measures to be taken to discharge the debts of America, and to raise the credit of the paper circulation.

"Our Union" to be perpetuated, by "a reciprocal deputation" of Agents from the several States, and from Great Britain; such Agents to have a voice and a seat in the Parliament of Great Britain, and in the different Assemblies, respectively.

The States were further promised "every privilege that is short of a total separation of interest."

Then came a paragraph about France. . . . "We cannot help taking notice of the insidious interposition of a power, which has, from the first settlement of these Colonies, been actuated with enmity to us both——"

With a hint that "notwithstanding the pretended date, the French Treaty was made in consequence of the plans of accommodation previously concerted in Great Britain, and with a view to prevent our reconciliation; and the hope that the inhabitants of North America will prefer "a firm, free, and perpetual coalition with the parent state, to an insincere and unnatural foreign alliance."

At the first words about the "insidious interposition of a power," etc., Congress refused to hear more, "because of the offensive language against his Most Christian Majesty." It was not till the 16th that it made up its mind to suffer the rest to be read. It merely concerned the place of meeting — to be at New York, Philadelphia, Yorktown, or such other place as Congress might propose — only premising that his Majesty's instructions to the Commissioners to remove from the immediate seat of war "may induce us speedily to remove to New York." The last paragraph ran: "If, after the time that may be necessary to consider of the communication, and transmit your answer, the horrors and devastations of war should continue, we call God and the world to witness, that the evils which must follow are not to be imputed to Great Britain."

Next day, the 17th, Congress replied that nothing but its desire to prevent the further effusion of blood induced it to read a paper containing expressions so disrespectful to his Most Christian Majesty, "the great and good ally of these States," or to consider propositions so derogatory to the honour of an independent nation. The Acts of Parliament,[1] the Commission itself, and the Letter, all supposed the people of these States to be subjects of the Crown of Great Britain. Congress, however, informed their Excellencies that it was "inclined to peace, notwithstanding the unjust claims in which this war originated, and the savage manner in which it hath been conducted." It was willing to enter upon a treaty of peace and commerce, "not inconsistent with treaties already subsisting," as soon as the King of Great Britain manifested a sincere desire for that purpose—the only solid proof of such desire

[1] The Acts transmitted were the Act for the Repeal of the Massachusetts Government Act, and the two Conciliatory Bills.

being the acknowledgment of the independence of these States, and the withdrawing his fleet and army.

On that very same 17th of June the *Pennsylvania Gazette* printed letters which showed that Johnstone had tried to open a private correspondence with Laurens. In consequence of this, Congress, on the 9th of July, ordered all Members of Congress, or their agents, to produce all letters of a public nature received from any subject of the King of Great Britain. This order produced a number of letters from Johnstone to Francis Dana, General Reed, Robert Morris, and two to Laurens. These letters were to persuade them to throw over the French Treaty, and accept the terms offered by the Commissioners. Johnstone suited his arguments to his man—Dana was assured that Dr. Franklin had approved the present articles, that France had not been honest with them, that Spain had formally disapproved the conduct of France, and that "the pamphlet wrote by Mr. Pulteney" (Johnstone's brother) had opened the minds of the people of England to the real state of the question. To Reed he hinted that the man who could bring about a reconciliation would deserve more from the King and people "than was ever yet bestowed on human kind." To Morris, he said that Washington and the President had a right to every favour that a grateful nation can bestow if they can once more "unite our interests." Reed, in his place in Congress, said that a few days after the evacuation, a married lady of character, having connections with the British army, sent him a message to come to her on business that could not be committed in writing; that he went to her, and that she told him Johnstone had expressed the most favourable sentiments of himself, and particularly wished to engage him to promote the object of the Commission—viz., a reunion. That he might have £10,000 sterling, and any office in the Colonies. To which Reed said he had answered that he "was not worth purchasing, but, such as he was, the King of Great Britain was not rich enough to do it."

The Commissioners made a fiasco as complete as Burgoyne's. It was said of them at their coming that three less acceptable persons could not have been selected, except the King, Germaine, and North. Johnstone's letters were fatal. Congress resolved that it was incompatible with its honour to hold any manner of correspondence with George Johnstone, Esq.; especially to negotiate with him State affairs, in which the cause of liberty and virtue is interested. Johnstone had the humiliation of

begging Congress to negotiate with the others, if it would not with him. Carlisle, Eden, and Clinton published a declaration to the effect that they never saw the letters, nor had any knowledge direct or indirect of them, nor of the conversation with Reed, till they learned the facts in the newspapers. Yet those letters had been laid before Clinton, and were sent by his and Galloway's assistance.[1]

The Commissioners went on—as Drayton said—assailing Congress with words; trying to persuade the Americans that it was better to be a province of the British Empire than to be a nation. In one foolish Proclamation after another they tried to convince them that they did not, could not want independence—all they could possibly want was offered by Great Britain. They went into minute details of the history of the French Treaty, and its "pretended date,"—as though the Americans did not know more about the treaty than they did; and not perceiving that these frantic efforts to detach America from France—even now, at the price of her good faith—showed that they did not think the friendship of France as worthless as they said it was. This was mere blundering folly—the futile argument of those whose case is incapable of valid defence. They made a greater blunder still, when Congress refused to hear of any terms which did not begin with Independence, for then they denied the authority of Congress to decide on such a point, and demanded that the Provincial Assemblies should be consulted. They seemed determined to show the Americans what was before them if they returned to the fold of George III and Lord North. Congress replied to their Appeal to the People by an Address, which was ordered to be read in the churches of all denominations, immediately after divine service. It briefly recapitulated the years during which redress was refused, and the defenceless condition of the Colonies at the beginning of the war—"without

[1] Galloway was very indignant at Clinton's retreat. A letter from him to Ambrose Serle, July 13, 1778, says, "not less than a thousand men were lost in the battle [Monmouth]." Washington's camp at Valley Forge "might have been stormed and taken with much less loss. . . . That single stroke would have ended the rebellion."—*Hist. MSS. Comm. Report XI.* (MSS. of the Earl of Dartmouth.)

The same letter contains a squib. "To be sold, the British Rights in America, consisting, among other articles, of The Thirteen Provinces in Rebellion . . . a respectable body of troops, a considerable part of the Royal Navy, and all the Loyal Subjects in America. The British West Indies will be included if agreeable."—*Ibid.* p. 419.

arms, without ammunition, without clothing, without ships, without money, without officers skilled in war"—nothing but the bravery of our people and the justice of our cause; we were not even entirely united. Then the cruelty with which the war had been carried on—the rapine and devastation, the barbarous treatment of prisoners to force them to fight against their country. A General, "who calls himself a Christian," let loose Indians upon us. Yet how wonderfully have we been delivered. And now God, in whom was our trust, has brought us to the threshold of security—it is now morally certain that if we have courage to persevere we shall gain our independence. Is there a man who would wish to continue dependent on those who have deluged our country in our blood? "From the nature of the thing it is evident, that the only security you could obtain would be the justice and moderation of a Parliament who have sold the rights of their own constituents," and think they are not bound to keep faith with rebels. They say we can never pay our debts—but what country has such resources as America? If your money is depreciated, it is because no taxes have been imposed to carry on the war; because the enemy's fleets have interrupted your commerce, and their armies have desolated part of your country. "Because their agents have villainously counterfeited your bills," and extortioners among you have run up prices. Put your money in the Public Funds; let there be but one kind of bills—then we shall have fewer counterfeits. For a little while, buy only absolute necessaries. Above all, "bring forward your armies to the field." With a noble peroration on the future greatness and happiness of the United States, which no man to-day will dare to say has not been fulfilled.

Then came the dreadful affair of Wyoming, a settlement on the Susquehanna. A large body of Tory refugees, burning for revenge on their neighbours, concocted a scheme with the Indians who, after the relief of Fort Stanwix, retired to Niagara. Their leader was Colonel John Butler, a former follower of the Johnsons. A few of the worst horrors were perhaps the exaggerations which usually accompany such tragedies; and Brant was not present. Having said this, Butler remains what Sabine calls him and his son—the most entirely infamous men of the Revolution. "He commanded the 1600 incarnate fiends who desolated Wyoming."

There were eight townships in this beautiful valley—the six lower being pretty full of inhabitants. It was exceedingly

fertile; it had lately supplied the Continental army with 3000 bushels of grain, and the ground was loaded with crops. There were a thousand families, "which had furnished our army with a thousand soldiers," besides garrisoning four forts. There were about 400 men in one of these forts, under Colonels Dennison and Zebulon Butler—not related to the other. About the time of Herkimer's battle, last year, the inhabitants found that the Tories had stirred up the Indians; twenty-seven were arrested, eighteen were sent to Connecticut, and the rest set at liberty for want of sufficient evidence. The inhabitants had long suspected that the Indians meditated something; there had been a few outrages, and in June the wife of a Tory and her five children were murdered by a party of Tories and Indians. The husband of the woman was one of the twenty-seven. Zebulon Butler had sent several letters to Congress and to Washington, stating the danger, and asking for help, but received for answer that *they had no cause to fear—the Indians were all for peace.*[1] Quite lately he had learned that his letters had been intercepted, and that the message was bogus.

On the 1st of July the whole body of the enemy came down near the upper Fort—1600 men, about 300 Indians under their own Chiefs, the rest Tories "painted like them," except their officers, who were dressed like regulars. These were Butler's Rangers and Johnson's Royal Greens. During the next two days they took two forts and "killed 'Squire Jenkins and his family, with several others, in a barbarous manner, and made prisoners of most of the women and children." On the 3rd, Zebulon Butler left his Fort (Wilkesborough), and marched to Kingston Fort, where there was a garrison. Here the enemy soon summoned him to surrender. He refused. They sent a second flag, threatening to massacre the garrison if they stormed. Colonel Zebulon proposed a parley, and went to the appointed place with his 400 men. By a trick he was induced to advance to the foot of the mountains, where he was suddenly surrounded and set upon by the enemy. Though he was outnumbered four to one, he fought for three-quarters of an hour, and the Tories were beginning to give way under his fire, when one of his own men—by accident or design—called out that the Colonel ordered a retreat. This threw his little force into confusion, and a total rout ensued. The greater part fled to the river, about seventy escaped to Wilkesborough Fort, the rest were lost or killed in the river—the enemy pursuing "with the fury of devils."

[1] See an American account in Almon.

Next day the Tories sent 196 scalps into Fort Kingston, and kept up a continual fire upon it. In the evening Zebulon Butler, with his family, got out and escaped down the river, and Dennison, with a flag, went to Exeter Fort (one of the two first taken) to ask John Butler what terms of surrender he would grant. Butler replied, "*The hatchet.*" Dennison returned, and defended his Fort till the next morning (Sunday, July 5); when nearly all his men being killed or wounded he was obliged to surrender at discretion. The American account says that some of the prisoners were shut up in the houses and burned alive—that women and children were burned, and that a son—whose name is given—murdered his father and bathed his hands in his blood. Whether these things happened or not, Butler, with an overwhelming force, fell on this valley, while the men were away fighting for their country, devastated the whole valley, fired the crops, burnt the houses, and drove out 5000 helpless people, who fled in terror to the woods.[1] The memory of it was burnt into the nation's heart, until a Tory was looked on with more abhorrence than a "Britisher." He copied the ways of the savages, fought side by side with them, and added treachery to ferocity. And this destruction of a peaceful valley was mentioned with approval in letters from New York, which were published in English newspapers to make the public believe we should conquer America yet.

On the 11th of July, 1778, "His Excellency Mons. Gérard, Ambassador from his Most Christian Majesty to the United States," arrived at Philadelphia. A Committee of Congress accompanied him to "an elegant apartment" in Market Street, and a salute was

[1] "Upwards of 5000 persons fled in the utmost distress and consternation. . . . These proceedings greatly alarm the leaders of rebellion in New York."—Letter in the *Gentleman's Magazine*, 1778, p. 545.

"I know of no men of the Revolution so entirely infamous as the Butlers, father and son. But though Butler did not permit or directly authorise women to be driven into the forest where they became mothers, and their infants were eaten by wild beasts, and though captive officers may not have been held upon fires with pitchforks, till they were burned to death, sufficient remains, undoubtedly, to stamp his conduct with the deepest, darkest, most damning guilt. The human mind can hardly frame an argument, which shall clear the fame of Butler. . . . To admit even as a solved question, that the Loyalists were in the right . . . will do Butler *no* good . . . he was still bound to observe the laws of civilised warfare. . . . He and he alone will be regarded by posterity as the real and responsible actor in the business and slaughter at Wyoming—the better information of later years transfers the guilt from the savage to the man of Saxon blood. There was nothing for which the Mohawk's family labored more earnestly than to show that their renowned head (Brant) was not implicated in this bloody tragedy."—Sabine, *American Loyalists*.

fired. He had come in a frigate—one of the twelve ships of the line which sailed from Toulon, under the Count d'Estaing, on the 13th of April. Silas Deane came with him. He brought a message from d'Estaing to Congress that the French fleet would do its utmost to assist all American armaments to make prizes of the common enemy—such prizes to belong entirely to the Americans.

On the 21st of August the Sieur Gérard, Minister Plenipotentiary from the King of France, was received by Congress in audience. Richard Henry Lee and Samuel Adams, representing Virginia and Massachusetts, had waited on him in a coach and six, provided by Congress. Lee sat on Gérard's left, Adams on the front seat, and so, with much observance, he arrived at the State House. The members of Congress sat in their chairs in a semicircle, on each side of their President, upon a platform raised two steps. The Minister of France was seated opposite—as is carefully noted—"on the same level." Then the door of the Congress Chamber was thrown open, below the bar, and about 200 gentlemen were admitted to the audience—among them the Vice-President of the Supreme Executive Council of Pennsylvania, the Supreme Executive Council itself, the Speaker and members of the House of Assembly, several foreigners of distinction, and some officers of the army. The American account asks who could have imagined such an event four years ago? After this Congress and the Minister dined together, "with a decorum suited to the occasion."

This, however, was not Gérard's first appearance in that Chamber. On the 6th of August he had been introduced by two members, and "being seated in his chair," his secretary had delivered to the President a letter from his Most Christian Majesty which began—

"Very dear great Friends and Allies"—

And entreated Congress to give full credit to all that the Sieur Gérard should say to them—more especially when he should assure them of "our affection and constant friendship." It was signed—

"Your good Friend and Ally, LOUIS."

and countersigned, "Gravier de Vergennes."

Well might the Americans say, Who could have imagined it four years ago?

The Toulon fleet had been eighty-eight days at sea before it sighted the New World, and by this delay it lost its grand opportunity.[1] Had it arrived a few days earlier, it would have

"[1] The arrival of this Fleet makes every hope of success in our business ridiculous."—*Lord Carlisle to Lady Carlisle*, New York, July 21. (MSS. of the Earl of Carlisle.)

intercepted Lord Howe's inferior force, with the Philadelphia refugees on board,—it might even have taken New York, and ended the war. As it was, by the time it appeared off Sandy Hook (July 11) Lord Howe was safe inside the bar, waiting for Byron's squadron. An attack was planned, but the great 80 and 90-gun ships could not pass the bar. The next plan was for driving General Pigot from Rhode Island. This must have succeeded if time had not been lost waiting for the New England Militia to reinforce Sullivan's army. The day after they arrived Lord Howe came too (August 9), his fleet strengthened by four of Byron's squadron. That squadron—badly equipped to start with—had been almost disabled in a great storm; but here again Fortune distributed her favours, for if Byron's ships had come straggling in one by one, while d'Estaing was at the Hook, he would have snapped them up. But they began to arrive a few hours after he had set sail for Newport. Pigot burned or scuttled his own ships, and drew his men into the lines at Newport. Sullivan instantly occupied the abandoned posts—when, at two in the afternoon, a great fleet was seen coming towards Point Judith. And now, if Howe had come up channel at once he would have taken the French between his own fire and Pigot's. But both Admirals wanted "sea-room" to fight. Howe anchored; and that night the wind veered to north-east, and d'Estaing stood out of harbour at eight in the morning, and bore down on Howe. The English ships slipped their cables, and formed in line of battle. Howe, still inferior in numbers and rating, would not fight till he could get the weather-gauge—so for two days they manœuvred, always standing to southwards, till they disappeared from the eyes of the anxious watchers on Rhode Island. Sullivan was on the point of attacking Pigot without waiting for d'Estaing's return, when one of the most frightful storms of that stormy coast came on, and raged for two nights and days. As ever, the American troops, being most exposed, suffered most, and great part of their ammunition was spoiled. And now, again, had Pigot sallied out the day after the storm he would have had an easy victory. But he did not; and with that day of rest the Americans were themselves again. So for eleven days they watched each other, till on the evening of the 19th of August they saw the French returning. Both fleets had been caught in the storm, both were shattered, disabled, and scattered. Howe was gone to New York to refit, and d'Estaing pleaded his own orders to go to Boston in case of misfortune. Sullivan said they could carry the place if the French would stay but two days—it would be a disgrace if they gave up. D'Estaing would

have yielded but for his officers. He was a land-officer, and the real sea-dogs were very angry that he had been put over their heads. They were glad to humiliate him, and they insisted on his obeying his instructions literally. So he went to Boston to refit; and Sullivan, indignant, hinted in General Orders that America had better trust to herself, and not to her allies. Lafayette persuaded him to tone this down in his next Order; but there was a very sore feeling, and the New Englanders went off, till Sullivan's numbers were no larger than Pigot's—between two and three thousand left him in the next twenty-four hours. He fought an indecisive engagement, and then hearing that Howe was coming back, thought it wise to secure his retreat (August 30). He was only just in time—the day after he had drawn off his troops with much skill, Clinton, with a squadron and 4000 men, arrived at Newport, and thus ended an episode in which everybody was a day too late.[1]

But if the Americans were disappointed, the British were hardly less so. If d'Estaing had been prevented from doing anything, so had Lord Howe. Thoroughly disgusted with a Ministry which left its commanders without adequate support, he handed over the command to Admiral Gambier, and returned to England. The British military operations of the last half of 1778 may be very briefly told. The most important was the expedition of "No-flint" Grey[2] to destroy the privateers in several small harbours of Plymouth Colony. In about eighteen hours he destroyed seventy sail, burned the magazines, stores, and rope-walks at Bedford and Fair-Haven, and carried off 10,000 sheep and 300 oxen from the small island called Martha's Vineyard. On the Newfoundland Station, Admiral Montague took the little islands of St. Pierre and Miquelon, allotted to France in 1763 as harbours of refuge, and places for drying fish. Clinton sent Cornwallis and Knyphausen

[1] The affray at Boston between the Americans and French happened on the night of September 23. Several of the French were wounded, among them an officer of distinction. Both sides kept the matter as quiet as possible. The Council offered 300 dollars for the discovery of any parties engaged in the riot, and it was asserted that it was caused by captured British seamen, and deserters from Burgoyne's army, who had enlisted in American privateers, and demanded bread of the French bakers. D'Estaing "had the address to give in to this idea," and to appear satisfied. No one was discovered.

[2] This sobriquet alluded to Grey's orders to his men not to take their flints with them, but to trust entirely to the bayonet, as more silent. By this means he succeeded in several surprises.

into Jersey, to act on both sides of the North River; and as, since Clinton's expedition of the year before, the British commanded all the water-way as far as the Highlands, Washington—now encamped once more at White Plains, watching New York—dared not quit his strong position to meet an enemy who could unite his whole force on one side of the river to-day, and on the other to-morrow—while he could not concentrate his own force under ten days. Grey surprised and cut to pieces Baylor's Light Horse, who lay at Tappan, and, thinking themselves secure, kept little or no watch. Ferguson —soon to make himself so famous in the South—surprised Pulaski's Legion at Little Egg Harbour on October 14. Here, too, there was the utmost carelessness, and a French Captain who had deserted Pulaski betrayed the fact to Ferguson. On a false report that Pulaski had ordered no quarter to be given, none was given by Ferguson. As a set-off to this, "Light Horse Harry" surprised the Hessian jägers at Dobbs' Ferry.

The Army of the Convention was still at Boston. Boston had been selected while it was believed that the troops would almost immediately embark for England. It was the worst place that could have been chosen for their prolonged stay. The town had been exasperated by the ten years of civil dissensions which preceded the outbreak of hostilities; and during the siege it had suffered much insult and injury. Troops had been quartered in its churches, the library of at least one of its ministers had been used to light fires; the Old North had been dismantled, and the fittings taken for firewood. We may safely accept Baroness Riedesel's complaints of the unfriendliness of the people—it was not much to be wondered at if both sides were very sore; and when this is the case, something is sure to happen sooner or later.

Before Burgoyne went to England, one Colonel Henley, who was in command under General Heath, offered bad language and personal violence to several privates and non-commissioned officers, and wounded one rather seriously with a bayonet. It is plain that Henley was a coarse and violent man, who ought never to have been entrusted with so difficult a position. It is also plain, from the depositions of the British themselves, that they were often insolent and provoking. The wounded man boasted of having told Henley he hoped soon to be fighting for his King. The story is not creditable to either side; but those who have read the accounts of how the British used their American prisoners, both in America and England, must

feel that, bad as Henley was, the case of the British prisoners in Boston cannot be compared with that of the Americans in New York. There was no great sickness, much less any great mortality, among the troops of the Convention, from beginning to end of their detention.

Burgoyne made a vigorous representation; a court-martial was held on Henley, and Burgoyne was allowed to be prosecutor. He made an eloquent, very long, and very injudicious speech. Henley was acquitted, and reinstated—but only for one day. He was then replaced by Colonel Lee, who had had the command at first. Anburey says, "Affairs are much better regulated; everything is now in perfect tranquillity, and a good understanding has taken place between our troops and the Americans." But Burgoyne, who was a genial man, went home on parole to defend his character, and left the command of the Convention Troops to Phillips, who was excessively irascible, and was said to be the haughtiest man in the British Army. The forced inactivity began to be intolerably irksome; cock-fighting, to which some of the officers resorted, could not satisfy the craving for excitement. Very great numbers of privates deserted—some to the American service. The whole band of the 62nd deserted in a body in May—and played in an American regiment in Boston. A private of the 47th, who had deserted at Lexington, now turned up as a Major in the American service, but was observed to look uncomfortable when he met his old officers.

The most tragic event which marked the detention of the army was the death of Lieutenant Brown, who was shot by a sentinel on the 17th of June, 1778. Orders had been issued that no "ladies" were to pass the lines. Brown, who was driving in a chaise with two women, was repeatedly ordered by the sentinel to stop. He drove on, and unfortunately for himself put his head out to tell the sentinel he could not stop the horses. At that moment the sentinel (described as "a boy, scarce fourteen") fired, and wounded Brown mortally. None knew better than Phillips, a distinguished officer of long experience in great wars, that by military rules poor Brown had brought his fate on himself by violating the order. But he now completely lost both temper and prudence, and wrote to General Heath, "Murder and death at length have taken place." Heath confined him to his quarters; and Phillips wrote to ask if poor Brown was to be allowed Christian burial. Heath replied in a conciliatory tone—he not only permitted

but requested General Phillips that every mark of respect should be shown to the dead; he had already ordered every assistance to be given, and had also ordered "decency to be exhibited by our troops during the procession and interment." A court-martial was held; the sentinel was of course acquitted—he had only obeyed orders. But feeling became worse than ever, and it was wisely determined to remove the troops to Virginia.[1]

The Commissioners had been sent upon a fool's errand—armed with powers just sufficient to enable them to embroil the situation still further. They now demanded that Congress should fulfil the stipulations of the Convention, and allow the troops to embark, offering to renew on the part of Great Britain all the stipulations, and particularly that by which these troops were not to serve against America during the present war. Congress replied that the Court of Great Britain must ratify the Convention with Congress direct. Nothing less would do—no ratification "by construction and implication," which may be set aside by the British Parliament, can be accepted. As the powers of the Commissioners were expressly subject to the approbation of Parliament, the renewal of the Convention would be so too. Every proclamation of the Commissioners denied the authority of Congress; and if the Convention of Klosterseven could be set aside, why not the Convention of Saratoga?

As the weeks went on the Commissioners became more and more hopeless of success. Carlisle had discovered long since how much reliance was to be placed upon Galloway's pictures of American loyalty. On July 1st he wrote to the Countess: "The common people hate us in their hearts, notwithstanding all that is said of their secret attachment to the mother country. I cannot give you a better proof of their unanimity against us, than in our last march; in the whole country there was not found one single man capable of bearing arms at home; they left their dwellings unprotected, and after having cut all the ropes of the wells, had fled to Washinton." He also says that, "when things went better for us" they came

[1] On another less serious occasion, in which an American was certainly the aggressor, Phillips allowed himself to write to Major Carter—Schuyler's son-in-law, who had interested himself for the Convention troops—refusing to address Heath, and adding that the aggrieved gentlemen "ought to listen to the abuse of the Americans as to the cackling of geese." The gentlemen were confined for three days in the common gaol. Anburey says they observed, "on quitting their dumps, that they had little more reason to extol the humanity of their own General than they had the justice of the Americans."

in for pardons; "but no sooner our situation was the least altered for the worse, but these friends were the first to fire upon us." By September there were grave doubts whether we could hold New York much longer.[1] Carlisle threw out as a suggestion, "if we are quite driven to the wall," for a truce for six, eight, or ten years, each side to keep what it has got. But though he saw all this,[2] when he wrote to Congress on August 26, he could not refrain from informing them that France was always "an enemy to all civil and religious liberty"[3]—no doubt forgetting for the moment our own Penal Laws.

The last idea of the Commissioners was the most unhappy of all. Provoked by the counter Proclamation of Congress, and encouraged by the disappointment shown by the Americans at the little good effected by the French fleet, they imagined they could "strike terror" by a "Manifesto" which is a monument of wickedness and folly.

It began with the usual gracious promises of redress and pardon to all who will *now* submit; and went on to threaten a change "in the whole nature and future conduct of this war, especially when to this position is added the pretended alliance with the Court of France." It seemed as though the agents of Great Britain could never repeat often enough that they did not consider the laws of war or of nations applied to the present contest—they were now denying the validity of the French Treaty! Every word of the Manifesto made this clearer. Hitherto "the policy as well as the benevolence" of Great Britain had "checked the extremes of war, when they tended to desolate a country shortly to become again a source of mutual advantage"; but when that country professes "the unnatural design of estranging herself from us, and mortgaging her resources to our enemies," the question is, how far Great Britain may, by every means in her power, destroy, or render useless, a connection contrived for her ruin, and for the aggrandisement of France . . . if the British Colonies are to become an accession to France, "self-preservation will dictate" that Great Britain "shall render that accession of as little value as possible to her enemy."

[1] Carlisle wondered how people could exist in New York. "My weekly bills come to as much as the house-account at Castle Howard, when we have the most company."—*To Lady Carlisle*, September 22, 1778. (Carlisle MSS.)

[2] When the first reply of Congress came in June, he had written, "Just such a reply as I imagined they would send. Refusal to treat unless we in the most specific terms acknowledge their independency, or send away our armies."—*To Lady Carlisle*, June 27.

[3] For this insult to France the impetuous Lafayette sent him a challenge.

This frightful document was dated October 3, 1778, and the offer was to remain open for forty days.

On the 10th Congress issued a warning to all who lived "in places exposed to the ravages of the enemy," to build huts immediately, at least thirty miles from their present habitations, and to take thither the women, children, and all incapable of bearing arms; to secure their valuables, and send off their cattle, for it was evident "their unnatural enemy," finding it impossible to make them break the solemn treaty with France, intended to burn every city and town on this continent they could come at. They also advised that the moment the enemy began to burn their houses, the people should burn the houses and destroy the property of all Tories, and secure their persons—always taking care not to treat them with wanton cruelty, "as we do not wish to copy our enemies."

This was followed in two or three days by a counter-manifesto, denouncing the manner in which the British had conducted the war. "They have laid waste the open country, burned the defenceless villages, and butchered the citizens of America. Their prisons have been the slaughter-houses of her soldiers; they have tried to bribe our representatives; they have made a mock of humanity, religion, and reason." This Manifesto ended with a solemn declaration, that if "our enemies" persist in their present career of barbarity, we will take such exemplary vengeance as shall deter others from a like conduct. We appeal to God, and declare in His presence that we are not actuated by light and hasty suggestions or anger or revenge, but will adhere to our determination through all change of fortune.[1]

This was what the Commissioners gained by striking terror.

Washington had never been more anxious. The people, trusting to the French Alliance, relaxed their efforts; the French were chiefly occupied in wresting from us the West India Islands. Each separate State was full of its local concerns. As soon as the most pressing emergency was over, feuds and jealousies broke out in Congress. Washington said that the American political system was like a clock—it was useless to keep the smaller wheels going if the prime mover of all was neglected. The French Alliance, which filled the unthinking with a dangerous

[1] "Every insidious art will predominate in the British cabinet against us. Their threats of Russians and of great reinforcements are false and impracticable, and they know them to be so; but their threats of doing mischief with the forces they have will be verified as far as their power."—*John Adams to his Wife*, Passy, November 6, 1778.

security, seemed to him rather a reason for fresh exertion. He was against the wild scheme of a French occupation of Canada (which turned out to be also entirely against the wishes of the French Cabinet). He saw that it was fraught with future danger. But his deepest anxieties came from his own countrymen. He saw that "idleness, dissipation, and extravagance" had laid hold of most men—speculation, peculation, and an insatiable thirst for riches had, he said, got the better of every other consideration; party disputes were the great business of the day, and the concerns of an empire but secondary. And what he saw in Philadelphia gave him but too much reason to think this.

Philadelphia was as much given up to revelry as when the British officers were scandalising it with their faro tables. Washington, coming in that winter from his starving and shivering soldiers, was disgusted to find the Quaker city given up to dinners, concerts, assemblies—any one of which entertainments must cost three or four hundred pounds, while the soldiers' pay was in arrears, officers were quitting the service because they could not afford to remain, and "the virtuous few" who did remain were beggared. Every now and then some regiment would refuse to march—the men saying they could not live on their pay, when they got it, and their families were starving.[1] His letter to Colonel Harrison gives a terrible picture of deterioration. It was written after a visit to Philadelphia had shown him the contrast between his starving soldiers and the junketings in the capital.

Arnold was still in command in Philadelphia, and many of these great entertainments were his. He had a fine house and a splendid establishment. His extravagant and ostentatious way of living, his carriages and horses, scandalised the sober. Worse still, he engaged in financial speculations for which his position gave him facilities; and his enemies—of whom he had but too many—said he shut up the shops in order that everything might be purchased through himself. Here, however, they were unjust—Joseph Reed had drafted the Proclamation that nothing should be removed till the ownership was ascertained. As his wound still incapacitated him for active service, he thought of taking command of a privateer and making lucrative captures at sea. He was just about to marry the daughter of a loyalist—or semi-loyalist—pretty Peggy Shippen, the fairest of the Ladies of the Meschianza; and at his entertainments there

[1] Washington's Letter to the Speaker of the House of Delegates of Virginia.

appeared not only Tories, but proscribed persons. He had quarrelled with the Executive Council of Pennsylvania,—he had a long-standing dispute about the waggons impressed in July, 1778, to save the property of some persons obnoxious because they had remained in the city during the British occupation. All these reasons, and especially the affair of the waggons, made Arnold unpopular, in spite of his great services and his still unhealed wound. Reed, now President of the Executive Council, was hostile to him. The Council at length drew up a list of eight charges, and sent it to Congress. Arnold demanded a court-martial.

The Committee of Congress exonerated him from all criminality. He resigned—expecting to be reinstated. But though he had been in a measure absolved, his enemies still pursued him. There were discussions in Congress, and a court-martial was resolved on. Arnold was very angry, and said he was sacrificed to please Pennsylvania. It was now that he married Miss Shippen. There was great delay in holding the court-martial—Congress was waiting for the end of the campaign, that witnesses might attend. The Court sat at Morristown in December of 1779. It only noticed four of the eight charges.[1] On two he was acquitted; on the other two, the Court found that his conduct had been irregular and imprudent, and sentenced him to be reprimanded by the Commander-in-Chief. Never, perhaps, was a reprimand so delicately given.[2]

Washington's camp was now at Middlebrook. His men still wanted food, but, thanks to the French, they were better clad. But they were impatient at not receiving their pay. Spain, dragged in unwillingly to help America, did so surreptitiously, and would not acknowledge the States. She foresaw the loss of Florida, and wanted to confine the Americans within the Alleghanies, so to

[1] One charge was his giving a permit, without Washington's knowledge, for a vessel belonging to disaffected persons; the other, that he had appropriated the waggons of the State of Pennsylvania for the transport of private property belonging to disaffected persons.

[2] Washington said: "Our profession is the chastest of all; even the shadow of a fault tarnishes the lustre of our finest achievements. The least inadvertence may rob us of the public favour, so hard to be acquired. I reprimand you for having forgotten, that in proportion as you had rendered yourself formidable to our enemies, you should have been guarded and temperate in your deportment to your fellow-citizens. Exhibit anew those noble qualities which have placed you on the list of our most valued commanders. I will myself furnish you, as far as it may be in my power, with opportunities of regaining the esteem of your country."

preserve her own vast possessions beyond the Mississippi. The little expedition of Colonel Clarke of Virginia, to reduce the French Canadian towns and settlements on the Upper Mississippi,[1] may have helped to suggest these fears. Clarke's expedition almost recalls Arnold's march. With about 300 men he traversed 1200 miles of uninhabited waste, where everything had to be carried. Fortunately the chief part of the way was by water. Clarke surprised the town of Kashaskias at midnight, after marching two days without food, and made the fort his headquarters. He then took three other towns, from fifteen to seventy miles higher up the Mississippi. The Indians found that Clarke was a better Indian than themselves, and grew cautious and timid; and the scattered Americans in those back settlements gladly rallied to a man who delivered them from their fear of the savages.

From the beginning of December, 1778, Washington's cantonments stretched from Long Island Sound to the Delaware. He had a system of signals. Sentinels kept watch on Bottle Hill night and day; and on any appearance of the British, an 18-pounder, called the Old Sow, was fired off every half-hour, warning the country round. On clear nights a beacon was lighted —answering fires sprang up from hill to hill, and the militia hastened to the posts assigned them.

Clinton could do little. Too many troops had been detached from his army. Instead of crushing Washington, he had been obliged to send General Grant and Admiral Hotham to attack Sta. Lucia. And at the end of November the war entered on a new phase—destined to be its last. Sir Hyde Parker and Colonel Campbell, with 3000 more of Clinton's troops, sailed for Savannah, to reduce Georgia. Clinton was very sore at thus being left to maintain "a starved defensive." But he soon had good news from the South. The attempt of d'Estaing and Lincoln to take Savannah by assault on December 29 was repulsed with very heavy loss, and by the middle of January, 1779, all Georgia seemed subdued.

[1] Then called the "Illinois Country."

END OF VOL. I.

Printed by MORRISON & GIBB LIMITED, *Edinburgh*

00036062

Digitized with financial assistance from

HT Parekh FOUNDATION

An Initiative by HDFC

WITH YOU, RIGHT THROUGH

on 27 November, 2018